



COUNCIL MEETING NOTICE/AGENDA

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DATE: November 16 and 17, 2010

TIMES: November 16th 10:00 am-5:00 pm*

November 17th 9:00 am-4:00 pm*

*(*ending time is approximate only and for the purpose of travel planning)*

LOCATION: Doubletree Hotel
2001 Point West Way
Sacramento, CA 95815
(916) 929-8855

Pursuant to Government code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact Silvia Hatfield at (916) 322-8481 or email silvia.hatfield@scdd.ca.gov. Requests must be received by 5:00 pm, Wednesday, November 10, 2010.

AGENDA

**Denotes action item*

NOVEMBER 16, 2010- 10:00 AM

- | | |
|-----------------------------------|---------|
| 1. CALL TO ORDER | M. Good |
| 2. ESTABLISHMENT OF QUORUM | M. Good |
| 3. WELCOME/INTRODUCTIONS | M. Good |

4.PUBLIC COMMENTS

*This item is for members of the public only to provide an opportunity to comments and/or present information to the Council on matters **not** on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first. The council will provide a public comment period, not to exceed a total of seven minutes, for public comment prior to action on each agenda item.*

5.*APPROVAL OF SEPTEMBER 21, 2010 MINUTES M. Good

6.CHAIRPERSON’S REPORT M. Good

7.PEOPLE FIRST OF CALIFORNIA UPDATE J. Meadours

8.COMMITTEE REPORTS

a. STRATEGIC PLANNING O. Raynor

b. PROGRAM DEVELOPMENT FUND L. Cooley

(1) ***Request for Proposal and
Application and Instructions**

c. EMPLOYMENT FIRST M. Bailey

d. LEGISLATIVE AND PUBLIC POLICY J. Aguilar

(1) ***H.R. 1255**

(2) ***Public Transportation Policy**

e. ADMINISTRATIVE S. Dove

(1) ***NACDD Dues**

f. EXECUTIVE	M. Good
(1) *Proposed By-Law Amendments	
g. *NOMINATING	S. Dove
9. *ELECTION OF OFFICERS	M. Good
10. *BRIEFING PAPER FOR GOVERNOR-ELECT	M. Good
11. COUNCIL MEMBERS' REPORTS/COMMENTS	ALL
12. FEDERAL PARTNERS REPORT	M. Good
13. QUALITY ASSESSMENT UPDATE	R. Newton
14. EXECUTIVE DIRECTOR'S UPDATE	C. Risley
15. *RECESS UNTIL NOVEMBER 17, 2010	M. Good

November 17, 2010- 9:00 AM

16. RECONVENE

M. Good

17. GOVERNANCE TRAINING

S. Matney

*Sheryl R. Matney, MS
Project Manager, ITACC
National Association of Councils on Developmental Disabilities*

Sheryl Matney lives in Troy, Alabama, and has two children; the youngest, Erik, has multiple disabilities. For the past 21 years, Sheryl has been an advocate for her son and other individuals with developmental disabilities. Sheryl is a graduate of Troy University with a degree in Business Management and has a Masters degree in Human Services. She has worked as a federal auditor; state coordinator for Partners in Policymaking; program director for a rural non-profit organization; former Executive Director of the Alabama Council on Developmental Disabilities and currently serves as Technical Assistance Manager for National Association of Councils on Developmental Disabilities.

18.*ADJOURNMENT

M. Good

NEXT COUNCIL MEETING

January 18 and 19, 2011

Sheraton Grand Sacramento Hotel

1230 J Street, Sacramento, CA 95814



DRAFT
Council Meeting Minutes
September 21, 2010

Members Present

Marcia Good, Chairperson
Randi Knott
Lisa Cooley
Shirley Dove
Bill Moore
Ray Ceragioli
Emily Matlack
Dan Boomer (for J. O'Connell)
Olivia Raynor
David Mulvaney
Jennifer Allen
Mark Hutchinson (for T. Delgadillo)
Catherine Blakemore
Kerstin Williams
Jennifer Walsh
Leroy Shipp
Fran Goldfarb (for R. Jacobs)
Patty O'Brien
Steve Silvius
Jorge Aguilar
Megan Juring (for K. Belshé)
Michael Bailey
Gina Guarneri (for R. Hansen)
Dean Lan (for D. Maxwell-Jolly)

Members Absent

Lynn Daucher
Kraig Duley
Denise Filz
Daniel Owen

Others Attending

Carlos Flores
Dwight Hansen
Ted Martens
Mark Polit
Roberta Newton
Carol Risley
Michael Rosenberg
Michael Danti
Szandra Kesthelyi
Tom Montesonti
Susan Eastman
Julia Mullen
Willie West
Joe Bowling
Kristie Allensworth
Melissa Corral
Mary Ellen Stives
Leigh Monichon
Mary Maher
Vicki Smith

1. CALL TO ORDER/ESTABLISHMENT OF QUORUM

Marcy Good, Chairperson called the meeting to order at 10:00 a.m. and established a quorum was present.

2. WELCOME AND INTRODUCTIONS

Each council member and staff introduced themselves.

3. PUBLIC COMMENT

On behalf of Area Board 1, Willie West, and Tom Montesonti presented the Council with a framed picture, taken by the artist, Ritchie Henderson. Eleven individuals entered pictures in the Redwood Empire Fair in Ukiah. This achievement was a result of a mini grant entitled "TAPS", funded through the SCDD 2009-2010 Community Program Development Grants, Media and Development of Micro-Business and Marketing in the Future.

4. APROVAL OF JULY 20, 2010 MEETING MINUTES

It was moved/seconded by (Knott /Dove) and carried to approve the July 20, 2010 Council meeting minutes as presented.

5. CHAIRPERSON'S REPORT

Marcy Good acknowledged Council member Randi Knott for her exceptional hard work, effort and support during the past five years. Randi is leaving the Council to begin working as Vice President of Government and Legal Relations for the California Hotel Association. She will be charged with assuring accessibility vis-à-vis accommodations, provide jobs in the hotel and lodging sector. Randi requested that members and staff submit personal stories (include ADA in the subject line) to her new email address at randi@calodging.com.

Marcy Good also read a letter from Charlene M. Jones, Consultant, commending Lisa Cooley for her assistance and professionalism on August 8, 2010 with the visitors from Japan, most of who had disabilities.

Marcy Good also thanked staff - Melissa Corral for being the go-to person during the transition period; Roberta Newton for her oversight efforts and helping out at the headquarters until an executive director was hired as well as the quality assessment; Michael Rosenberg for his hard work on staffing the Planning Grants Committee and Legislative Policy Committees. Also noted was Mike Danti and Szandra Keszthelyi for their ongoing perseverance and professionalism in light of the budget crisis and struggling to fill positions and the search for a director.

6. EXECUTIVE DIRECTOR'S REPORT

Carol Risley thanked staff and the area boards for their hard work and assistance.

Carol reported on upcoming meetings with the School Chief Operating Officers focusing on transition issues and curriculum; the Olmstead Summit with partners Disability Rights California and the California Foundation for Independent Living Centers; the SCAN Foundation and AARP discussing long-term care. She is also traveling to Lisbon, Portugal, to present at Clarity 2010, a plain language conference.

The Council applied for a technical assistance grant through the NACDD for a session on governance in November 2010; and is contracting with the Board Resource Center to conduct governance and board training specifically for consumer members.

Carol distributed an updated roster of current appointees to the State Council on Developmental Disabilities. Council members were asked to review for any changes and submit them to Carol.

7. CALIFORNIA STATE AUDITOR'S REPORT

The Council heard a panel discussion with Mark Hutchison, Chief Deputy Director, DDS; Dwight Hansen, Hansen & Associates representing CDSA; Mark Polit, SEIU; Catherine Blakemore, Disability Rights California, and Carlos Flores, Executive Director, San Diego Regional Center representing ARCA.

Mark Hutchison provided background on the audit report with focused on recommendations and findings submitted to DDS. The Assembly Accountability and Administrative Review Committee, chaired by Assembly member Hector Delatore made a recommendation to conduct a review of the regional center system and the oversight of the system. The Bureau of State Audits (BSA) began the review in December 2009 and released the report August 24, 2010. The following is a brief description of the key recommendations provided by the auditor's office:

1. That the Department of Developmental Services (DDS) provide more oversight and issue more guidance to regional centers for preparing and adhering to written procedures regarding:
 - a) rate-setting,
 - b) vendor selection, and
 - c) procurement processes
2. That DDS monitor the regional centers' adherence to laws, regulations and new processes.
3. That DDS formalize a whistle blower complaint process, ensure employees were familiar with that process and track and investigate complaints for regional center employees.

Carlos Flores noted that the regional centers fully cooperated with the Bureau of State Audits and San Diego Regional Center will cooperate fully in providing information about specific purchases of services.

Dwight Hansen provided an overview on how the system began and how the system expanded to serve 240,000 people through 21 regional centers. What the audit provides is an opportunity to take a look and see how we are doing relative to adherence to the independence and the flexibility that is mandated by the concept of regional centers as well as the applicability of the state and federal laws.

Mark Polit, SEIU – discussed working constructively on the audit report and findings to address some of the points and recommendations in terms of the surveys and methodology. Also agreed, that transparency and accountability will strengthen the system with the Legislature and workers in the system. Nonetheless, we are receiving good information with an undercurrent of truth. Workers do feel uncomfortable bringing issues to management. Another issue is creating an environment to involve the workers and the Union that represents the workers, currently not occurring with some regional centers. Finally, the caseloads have increased and have been increasingly difficult for case managers to provide quality services to consumers and families.

Catherine Blakemore expressed that this was a “fiscal” audit. The audit looked at how did the system spend its money? What is the rate setting methodology? Were consumers and families satisfied with their services? Who are the people

that benefit from the expenditures and what do they think about the system? Not one consumer or family member was interviewed throughout the audit. Additionally, the audit brings to the forefront the tensions that currently exist in the system, i.e., caseload standards, rate setting methodology and least costly vendor.

Following presentations, the panel entertained comments and questions for Council members and audience. The report is agenized for discussion at the October 5, 2010 Legislative and Policy Committee meeting.

8. COMMITTEE REPORTS

Before starting the committee reports, Marcy Good moved to Sponsorship Requests. It was moved/seconded (Knott/Silvius) and carried to approve a request from Tom Fambro to participate in a People First of California meeting. It was moved/seconded (Knott/Aguilar) and carried to approve a request for Lindy Marchese to attend the International Association National Conference.

A. Executive – Randi Knott

The Committee met on August 23, 2010 and took positions on a number of legislative bills to be discussed by Jorge Aguilar during the Legislative and Public Policy Committee Report.

Leroy's request to be removed from the Executive Committee was approved and Jorge Aguilar was appointed to replace Randi on the Executive Committee. In accordance with the Council by-laws, it was moved/seconded (Good/Bailey) and carried to elect Jorge Aguilar, Shirley Dove and Lisa Cooley to the Nominating Committee.

B. Administrative– Shirley Dove and Mike Danti

Mike Danti discussed the Council's budget noting that the state and federal economies are continuing to show evidence of decline. This is reflected in state expenditures that, at the time this agenda item was drafted, were \$10.5 million spent for the current year. Not all that had been budgeted were real dollars as part of that comes from the budgeted federal dollars at a higher rate than we actually receive. While this is not a positive sign, it is important to keep in mind the following:

- As a result of the revenue receipts thus far, we have seen increases in general salaries, increases in health benefits and other increases that the federal government has not kept pace with. Once total revenues are tallied, we will have a much more solid sense of where we stand.
- Last year the Council received an allocation of \$6.9 million and there was more than \$300,000 discrepancy between the State budget authorization and the Federal allocation.
- The Council's current budget is not out of the woods yet. The proposed total budget is \$11.4 million, less than last year. This is a result of a reduction in the interagency agreement for the Quality Assessment (QA) program as well as a reduction to the Clients' Rights Advocacy/Volunteer Advocacy Services (CRS/VAS) program. Also, the Kern Regional Center contract with Area Board 12 has been eliminated and we no longer receive that \$75,000 per year.

C. Employment First – Michael Bailey

The first meeting of the Employment First Committee (EFC) was on September 15, 2010. Three presentations were made by Chris Arroyo with some discussion on data – what do we do with it and where is it and how do we get it. The data currently resides with different agencies with few methods for sharing or matching.

The EFC established five subcommittees, Transition, Barriers/Disincentives, Benefits, Employer Recruitment, and Innovative Strategies. The full committee is going to meet every other month while the subcommittees are going to meet on the off months.

D. Strategic Planning – Olivia Raynor

Discussion began by announcing a new name for the Plan, "The California State Strategic Plan on Developmental Disabilities". This was the result of all the planning and effort that has transpired around the State with the area boards and the strategic planning process. The Committee met on September 8, 2010 where roles, responsibilities, and the planning process were reviewed. As part of the planning process, Council committee chairpersons were asked to provide a list of priorities that each of the committees is working on. The "2012-2016 State

Plan” is due August, 2011. There will be a series of public hearings on the proposed plan and the committee requests that we have a strong council member presence and participation at the hearings. A list of dates and locations will be issued shortly.

E. Program Development – Lisa Cooley

Issues the committee will discuss at its meeting will be:

- developing a seamless and consistent grant process among all area boards;

- unifying the way in which the local area boards seek potential PDF recipients;
- and

- the allocation of grant funds among the areas.

F. Legislative & Public Policy Committee Report – Jorge Aguilar

In May 2010, the Council took action to support the proposed Preventing Harmful Restraint and Seclusion in Schools Act (S. 28690) and the Keeping All Students Safe Act (H.R. 4247), however, amendments are now being considered to allow the use of seclusion and restraint if documented in the individual education plan (IEP), and to exempt private schools from the restrictions entirely.

It was moved/seconded (Knott/Silvius) and carried to retain support contingent upon these amendments not going into Legislation.

The LLPC is requesting that Council develop a policy addressing public benefits (i.e., IHSS, social security and Medi-Cal). It was moved/seconded (Bailey/Knott) and carried to direct the LPPC to draft a policy on public benefits for consideration by the Council.

9. QUALITY ASSESSMENT UPDATE – Roberta Newton

Area Boards have been working on a new project – Quality Assessment. They started in May 2010, with an objective to complete 8,400 visits by December 2010. Area Boards have completed 4,200 visits in the past four months. Challenges incurred have been with geography and getting to consumers in rural areas and use of independent contractors to conduct interviews without getting

paid due to the budget delay. The Council has been talking with DDS regarding next year's activity that focus on surveying families.

10. SPONSORSHIP REQUESTS – Item was taken out of order and motion to approve – seconded. (See under Item 8.)

11. NATIONAL ASSOCIATION OF COUNCILS ON DEVELOPMENTAL DISABILITIES – Marcia Good included this information in the Chairperson's report.

12. FEDERAL DD PARTNERS – Nothing to report.

13. COUNCIL MEMBER REPORTS & COMMENTS

Julia Mullen, Department of Developmental Services (DDS): Julia congratulated Carol on her first meeting as an Executive Director of the State Council and thanked Roberta for the collaboration on the quality assessment project. With regard to the budget, DDS was successful in getting nearly \$400 million from the Medicaid Payment Interim Program fund to pay for MediCal related services during the lack of an enacted state budget in California. As well as accessing funding for services to those eligible for waiver services. Three regional centers have indicated that they have disseminated informational updates to their communities regarding the fiscal situation but none have had to issue the 30-day notice that they cannot meet their contract requirements.

At the state level, furloughs and hiring freeze have impacted the workload. However, DDS has have been successful in seeking approval for limited hiring exemptions from the Governor's Office cabinet secretary for the state developmental centers.

The Office of the Inspector General audited DDS to ensure transparency and oversight on use of the stimulus monies for Part C, Early Start. There were four major findings:

one regional center had all individualized family service plans (IFSP) start July 1st and

end June 30th of each fiscal year. Some of the IFSPs had not been renewed although services are being provided;

expired purchases of service authorizations were noted. This is linked to the IFSP expiration;

purchase of services (POS) authorizations did not match what was reflected on the IFSP; and

an incorrect rate was paid to a vendor. DDS and the regional center will be working to recoup those funds.

With regard to the proposed closure of Lanterman Developmental Center, DDS continues to have meetings with the regional center directors and Lanterman employees to ensure that they are communicating adequately and as fully as possible.

Bill Moore, Department of Rehabilitation (DOR): DOR has been able to employ more consumers by working with the employers using On-The-Job training dollars that were increased through the stimulus funding. DOR was able to award some of community partner funds to provide placement services for consumers. Although these are federal stimulus dollars, DOR has not been unable to pay vendors due to the budget stalemate. Like DDS, DOR is being audited and should receive a report prior to the end of this calendar year.

Dean Lan, Department of Health Care Services (DHCS): Dean Lan provided a summary of the Governor's Executive Order S-11-10 requesting all state departments to increase their hiring of persons with disabilities. The current parity rate for state employees with disabilities is approximately 16.6% with state departments at half that level. More specifically, the executive order urges state departments to, within 30 days, review their employment practices and develop specifics of what they will do to achieve this. Within 60 days, they are to review their reasonable accommodation policies. DHCS hosted all state departments to a meeting where the Executive Officer of the State Personnel Board facilitated a workshop on strategies to increase the hiring of persons with disabilities.

14. UPCOMING MEETINGS: The following upcoming meeting dates were announced:

1. October 20, 2010 – Administrative Committee meeting at 9:00 a.m.
2. October 20, 2010 - Strategic Plan Committee meeting from 10:00 a.m. to 2:00 p.m.

3. October 20, 2010 – Executive Committee meeting at 2:00 p.m.
4. November 16 & 17, 2010 – Council Meeting (business on 16th and governance training on 17th).
15. **ADJOURNMENT** – It was moved/seconded (Mulvaney/Knott) and carried to adjourn the meeting at 3:35 p.m.

**Oversight of California's Regional Centers:
Ensuring integrity, transparency, and best practices
in a challenging fiscal environment**

Senate Committee on Human Services and
Assembly Committee on Human Services

Room 113
State Capitol
Sacramento, California

November 4, 2010
9:30 a.m. – 12:00 p.m.

I. Opening Remarks

Senator Carol Liu, Chair, Senate Human Services Committee
Assemblymember Jim Beall, Chair, Assembly Human Services Committee
Assemblymember Hector De La Torre, Chair, Assembly Accountability and
Administrative Review Committee
Other members

II. Bureau of State Audits Report

Elaine Howle, State Auditor, Bureau of State Audits

**III. Department of Developmental Services and
Regional Center Response**

Terri Delgadillo, Director, Department of Developmental Services
Bob Baldo, Executive Director, Association of Regional Center Agencies
Carol Fitzgibbons, Director, Inland Regional Center

IV. Stakeholder Response

Catherine Blakemore, Executive Director, Disability Rights California
Marcia Good, Chairperson, California State Council on Developmental Disabilities and
family consumer representative from Los Angeles County (Area Board 10)
David Mulvey, Chair, California SEIU Developmental Disabilities Council and
Tri-Counties Regional Center case manager
Barbara Maizie, The Arc of California
Boyd Bradshaw, President, ResCoalition

V. Public Comment & Concluding Remarks



State Council on Developmental Disabilities

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STATE OF CALIFORNIA
Arnold Schwarzenegger,
Governor

Testimony before the Senate and Assembly Human Services Committees

JOINT OVERSIGHT HEARING
Oversight of California's Regional Centers:
ensuring integrity, transparency, and best
practices in a challenging fiscal environment
November 4, 2010

Good Morning, members of the Senate and Assembly Human Services Committees and staff.

On behalf of people with developmental disabilities, their families, and advocates, I want to thank you for this opportunity to discuss the California developmental services system.

My name is Marcy Good. I am the Chairperson of the State Council on Developmental Disabilities and a member of Area Board X on Developmental Disabilities serving Los Angeles County. More importantly I am the mother and friend of Alex, a young adult who accesses services through the developmental services system in California. Of all my accomplishments, I am most proud to be Alex's mom, supporter and advocate, for he exemplifies how a person with disabilities can learn, grow and be successful in society despite his labels. I wish I could say it has been an easy journey, considering the entitlement to services California enacted and fought to maintain, the talent of many teachers and providers of services, and the fortitude of consumers and their families to overcome barriers, whether intended or not, in order to access services and supports to allow them to be included, productive and assets as opposed to liabilities to society.

Today, I was asked to focus on the recent California State Auditor report addressing the developmental services system and specifically regional centers from a family/advocate perspective.

"The Council advocates, promotes & implements policies and practices that achieve self-determination, independence, productivity & inclusion in all aspects of community life for Californians with developmental disabilities and their families."

I particularly appreciate this opportunity since consumers and families were not given an opportunity to provide input to the Auditor although the recommendations impact their lives. In the future we would hope that California adopts the credo of “nothing about us without us” as the Legislature has today.

Before I discuss some specific issues, I want to be clear that consumers and families appreciate California’s efforts to maintain a system of services and supports designed to meet our needs from birth to death and while critical of some of the operational approaches, still believe the original design of local control and accountability is a far more acceptable than a solely state operated delivery system. However, the growth of a system from serving a projected 25,000 people to nearly 250,000 over 40 years, has evolved into its own bureaucracy that now requires more transparency at the regional center level and oversight and accountability for regional center actions at the State level.

The sheer size of regional centers as corporate bodies many have outgrown the concept of local control, thus placing volunteers board members in a compromising position of attempting to make policy for a multimillion dollar corporation, while coming from a family level operational environment. The natural outcome is for the staff to assume more and more control over the policymaking of the corporation, thus reducing the intended citizen control. This coupled with lack of uniformity among the policies and operational procedures of regional centers has served to undermine consumers and families’ faith that the system is there to meet their needs as opposed to supporting corporations. And when the anticipated remedy to this situation is to seek oversight and accountability for regional centers policies and actions from the Department of Developmental Services (DDS), consumers and families perceive that DDS has little control over actions of the centers or ability to take timely and definitive corrective action. This feeling may be due in part to the lack of transparency in the system.

Consumers and families experience how the business practices of regional centers ultimately impact consumer choices and access to services and supports. Purchase of service review groups and multilayer approval processes, dilute the ability of consumers and families to control and even influence their choice of services and providers and thus undermines the core of the individual planning process. This coupled with the lack of information about choices and options available to consumers and families, further degrades the intent of the planning process and removes flexibility that might be expected as part of the system. Denial due to lack of service options or delay in processing requests are becoming the norm rather than the exception, thus increasing consumer and family concerns and the sense that they must be willing to fight every step to access services and supports.

Families' fears and trepidation are exemplified by the Audit's findings that staff do not believe there is a safe venue to raise suspected improprieties at regional centers. If staff is intimidated, imagine how a consumer or family feels when they need to stand up and fight with a center, knowing the center holds most of the cards unless the family has the fortitude and resources to take a center on through fair hearing and legal processes. Many simply give up.

Consumers and families are seriously concerned that the Auditor's report suggests that regional centers must purchase the "cheapest" services and supports under the July 2009 cost-effectiveness amendments to the Lanterman Act. While not disagreeing that regional centers need policies and consistency in the selection of vendors and in the rate setting process for those vendors, we do not believe that should be construed as only using the "cheapest" vendor without a cost benefit analysis of how that vendor can meet the needs of a consumer or family in an economical manner. This is particularly important when factoring in the long-term cost to the consumer and system should they receive inadequate services and supports because it was cheap but achieved none of the planned outcomes. We caution the Legislature to be cognizant of this concern if or when considering any potential action relative to the audit report.

Consumers and families can cite specific instances of these generalized concerns, but would rather spend energy on working collaboratively to increase consumer/family control and flexibility within the service system via self-determination and individual choice budgeting options; receive more information about their options and how to exercise those options; be allowed more flexibility to determine how to meet their needs and desired outcomes; like regional center staff, not be intimidated by the system and receive case coordination services from empowered staff who share the consumer/family values and will advocate for them; identify and examine methods to achieve cost efficiencies in regional center operations such as consolidation of some administrative functions; and potential amendments to the DDS/regional center contracts that give DDS more oversight and timely intervention into regional center policies and actions if found to be inconsistent with the intent of the Lanterman Act.

Again, thank you for the opportunity to participate in this hearing. The State Council and consumers and families stand ready to be part of the process toward enhancing the system while being mindful and protective of the public's assets.

AGENDA ITEM DETAIL SHEET

ISSUE: California State Strategic Plan on Developmental Disabilities

BACKGROUND: The California State Council is mandated by the federal Administration on Developmental Disabilities and the Lanterman Act to develop a five-year state plan with extensive community input.

The draft version on the five-year state plan has been produced and will be disseminated to the public for comment.

The Plan must be approved no later than the July 2011 Council meeting.

ANALYSIS/DISCUSSION: This is an update only.

COUNCIL STRATEGIC PLAN OBJECTIVE: The State Council is mandated via the Administration on Developmental Disabilities Act and Lanterman Act to develop a five- year State Plan from extensive community input.

PRIOR COUNCIL ACTIVITY: The Strategic Planning Sub-committee met on October 20, 2010 and approved the draft version of the Plan and the Executive Summary.

RECOMMENDATION(S): Read the draft California State Strategic Plan on Developmental Disabilities and the Executive Summary. Note any suggested changes/revisions and provide them to Council staff.

ATTACHMENTS(S): (1) Draft California State Strategic Plan on Developmental Disabilities; (2) Draft Executive Summary; and (3) updated State Strategic Plan timeline.

PREPARED: Diana Ramirez, Planning and Program Specialist

Strategic State Plan TIMELINE (2012-2016)-Draft				
Month	Council	Area Boards	SCDD Staff	Other
January 2010 ✓	January 27 Council Mtg: Timeline for 2012-2016 State Plan; update on AB Strategic Plan Workshops	Strategic Plan Workshops- AB 8: 1/13/10 AB 4: 1/30/10	Area Board Strategic Plan development.	-Raw data from ABs and from the community will be collected on an ongoing basis for State Plan Development.
February 2010 ✓		Strategic Plan Workshop- AB 6: 2/6/10	Met with Dr. Raynor-State Plan overview and etc...	-Raw data from ABs and from the community will be collected on an ongoing basis for State Plan Development.
March 2010 ✓	March 16 Council Mtg: -PPR update -AB Strategic Plan update	Strategic Plan Workshop- AB 11: 3/2/10 AB 7: 3/25/10 Deadline for all 13 Area Boards to have done a Strategic Plan Workshop		-Raw data from ABs and from the community will be collected on an ongoing basis for State Plan Development. -Meet with SPC Chair-Dr. Raynor
April 2010 ✓	2012-2016 State Plan development: data collected from the Area Boards and state and local agencies will be used to prepare the State Plan. AB BSG Reports, Consumer and Stakeholder surveys: (Oct.-09-Mar.-10) Due on the 30th! State Plan Amendment Preparation: Drafting 2009-2010			
May 2010 ✓	May 27 Council Mtg 2012-2016 State Plan development: data collected from the Area Boards and state and local agencies will be used to prepare the State Plan.			
June 2010 ✓			State Plan Development	ITACC Confernce
July 2010 ✓	July 20-21 Council Mtg	All Area Board Strategic Plans- Approved	State Plan Development *PPR Drafting for Dec. Submission.	<i>Grant Cycle 33 (M) PDT will be to discuss RFP/grant process</i>
August 2010 ✓			State Plan Development *PPR Drafting for Dec. Submission.	State Plan Amendments Submitted via OLDC
September 2010 ✓	Sep. 8. 2010- Strategic Planning Committee Mtg. Sep. 21-22 Council Mtg.		State Plan Development	PPR Development: grants, C-S surveys, BSG, CRA/VAS, QA
October	Draft of 5-Year State Plan 2012-2016	AB BSG Reports,	Draft of online data- reporting and contact	Start of the last year of the 5 year of State Plan

2010 ✓	*October 20th Strategic Planning Comm. Mtg.: -Review- draft version of the State Strategic Plan	Consumer & Stakeholder surveys: Due on the 29th! (Apr.-10-Oct.-10)	management system.	(2007-2011)
November 2010	Nov. 16-17 Council Mtg.: <i>Update-</i> - Draft Version of 5-Year State Strategic Plan for 2012-2016 -2011 Public Hearings update	SCDD Staff working with AB's Re: Public Hearings	-Draft of PPR -Public Hearing preparations	
December 2010		SCDD Staff working with AB's Re: Public Hearings	Public Comment Period: Open- 2012-2016 State Strategic Plan to be posted online (Survey Monkey)	PPR DUE! 12-31-2010

DRAFT 2011 SCDD State Strategic Plan TIMELINE

Month	Council	Area Boards	Staff	Other
January 2011	Council Mtg.: 18-20 TBD Update on Public Hearings	<u>Public Hearings:</u> * AB 3: Sacramento- 1/26/11 * AB 13: San Diego- 1/27/11	Public Comment Period: Open- 2012-2016 State Plan to be posted online (Survey Monkey) -State Plan Development	-Public Hearings for 2012-2016 State Plan
February 2011		<u>Public Hearings:</u> *AB 10: L.A.- 2/2/11 *AB 8: Fresno- 2/8/11 *AB 12: San Bernardino- 2/17/11 *AB 9: Santa Barbara- 2/24/11	State Plan Development -Public Hearings for 2012-2016 State Plan	
March 2011	Council Mtg.: 14-16 TBD Update on Public Hearings	Public Hearing-TBD		

April 2011		AB BSG Reports, <i>Consumer and Stakeholder</i> surveys are due!	-Review Public Hearing input	
May 2011	Council Mtg.: 23-25 TBD Update on Public Hearings		-Review Public Hearing input	
June 2011	*TBD Strategic Planning Comm. Mtg. (Review Public Input)		Preparing 2012-2016 SCDD State Plan for ADD Online and Paper Submission	5-Year State Plan 2012-2016 <u>must be posted online and disseminated to the public etc...</u> TA conference
July 2011	Council Mtg.: 25-27 TBD Action-Approve 5-Year State Strategic Plan 2012-2016		Preparing 2012-2016 SCDD State Plan for ADD Online and Paper Submission	5-Year State Plan 2012-2016 <u>must be posted online and disseminated to the public etc...</u>
August 2011			Preparing 2012-2016 SCDD State Plan for ADD Online and Paper Submission	2012-2016 State Plan must be submitted to ADD by August 15th.
September 2011	Council Mtg.: 19-21 TBD			
October 2011		AB BSG Reports, <i>Consumer & Stakeholder</i> surveys are due!	PPR- report	5-Year State Plan 2012-2016 Begins!
November 2011	Council Mtg.: 14-16 TBD <i>TBD- Have ADD Commissioner visit?</i>		PPR- report	Last reporting year of the 2007-2011 State Plan-Draft of PPR submission
December 2011				PPR DUE 12-31-2011

Acronyms

AB- Area Boards
ADD- Administration of Developmental Disabilities
BSG- Basic State Grant
Comm.- Committee
CRA- Client's Right Advocacy
C-S- Consumer Satisfaction and Stakeholder Format Surveys
iTACC- Information and Technical Assistance for Councils on Developmental Disabilities
(M)- Moratorium
Mtg- Meeting
OLDC- On-Line Data Collection
PDT- Program Development Taskforce
PPR- Program Performance Report
QA- Quality Assurance
SCDD- State Council on Developmental Disabilities
SPC- Strategic Planning Committee
RFP- Request For Proposal
TA- Technical Assistance
TBD- To Be Determine
VAS- Volunteer Advocacy Services

California State Strategic Plan 2012 – 2016

Executive Summary

The California State Strategic Plan

The State Council must develop a State Strategic Plan that tells the public how services and programs for individuals with developmental disabilities and their families should be five years from now. Additionally, the plan provides guidance to the Council regarding how it spends its resources and includes long term goals to be accomplished within five years.

Areas of Emphasis have been identified and the Developmental Disabilities Act outlines strategies that the Council can use to meet the state strategic plan goals.

These strategies include: Outreach, technical assistance, training, educating communities, coordination, coalition building, individual advocacy and other system change activities.

AREAS OF EMPHASIS

- Quality Assurance
- Child-care
- Education and Early Intervention
- Employment
- Health
- Housing
- Recreation
- Transportation
- Other services available and offered to individuals in the community including formal and informal supports that affect quality of life.
- Cross cutting is represents Council activities that impact all Areas of Emphasis.



The Council can support and conduct a variety of activities.

The Developmental Disabilities Assistance and Bill of Rights Act of 2000 provides guidelines by which the Council can implement the State Strategic Plan by conducting and supporting advocacy, capacity building and systemic change activities including:

Reference: Section 125(c)(5)(B-L)

How will the California State Council achieve the proposed goals, benchmarks and strategies?

The Federal Government mandates the Council to decide what Areas of Emphasis it will focus its activities and resources on during the five years of the State Strategic Plan. The areas of emphasis, goals, benchmarks and strategies that have been selected come from extensive community input from the 13 catchment areas/13 area boards located across California. The 13 Area Boards on Developmental Disabilities assist the Council in carrying out its vision and mission; and ensure that local needs are identified and met. Each area selected by the Council is important for people with developmental disabilities and their families in California.

The Council must also identify **goals, benchmarks and strategies** that it will work on within each Area of Emphasis. The federal government says that the Council shall implement the State plan by conducting and supporting the following advocacy, capacity building, and systemic change activities:

● ● ● ●
Outreach – activities to identify people with developmental disabilities and their families; help people with developmental disabilities and their families obtain services, individualized supports and assistance.

● ● ● ●
Training – for people with developmental disabilities, their families, professionals and other stakeholders to enable people with developmental disabilities to have access to, or to provide community services, individualized supports and assistance.

● ● ● ●
Technical Assistance – to public and private entities so that the purpose of the DD Act can be achieved.

● ● ● ●
Supporting and Educating Communities – to help neighborhoods and communities to respond positively to people with developmental disabilities and to assist neighborhoods and communities in making their services and supports available to people with developmental disabilities.

● ● ● ●
Interagency Coordination and Collaboration – activities to promote interagency collaboration and coordination to better serve, support, assist, or advocate for individuals with developmental disabilities and their families.

● ● ● ●
Coordination with related Committees, Councils and Programs – to enhance coordination of services with other councils, entities, or committees, authorized by Federal or State law, concerning individuals with disabilities and other entities carrying out federally funded projects that assist parents of children

with disabilities; and other groups interested in advocacy, capacity building and systemic change activities to benefit individuals with disabilities.

●●● **Barrier Elimination, Systems Design and Re-design** – activities to eliminate barriers to the access and use of community services by people with developmental disabilities; activities that improve systems design and redesign, and activities to increase citizen participation to address issues and concerns identified in the State Strategic Plan.

●●● **Coalition Development and Citizen Participation** - activities to educate the public about the capabilities, preferences, and needs of people with developmental disabilities and their families; and to develop and support coalitions that support the policy agenda of the Council, including training in self-advocacy, education of policymakers, and citizen leadership skills.

●●● **Informing Policymakers** – activities to provide information to policymakers; the Council can support and conduct studies and analyses, gather information, and develop and disseminate model policies and procedures, information, approaches, strategies, findings, conclusions, and recommendations. The Council may provide the information directly to Federal, State and local policymakers, including Congress, the Federal executive branch, the Governor, State legislatures and State agencies, in order to increase the ability of policymakers to offer opportunities and to enhance or adapt generic services to meet the needs of, or provide specialized services to, individuals with developmental disabilities and their families.

●●● **Demonstration of New Approaches to Services and Supports** – The Council may support and conduct, on a time-limited basis, activities to demonstrate new approaches to serving individuals with developmental disabilities that are a part of an overall strategy for systemic change. The strategy may involve the education of policymakers and the public about how to deliver effectively, to individuals with developmental disabilities and their families, services, supports, and assistance.

●●● **Other Activities** – The Council may support and conduct other advocacy, capacity building, and systemic change activities to promote the development of a coordinated, consumer and family-centered, consumer and family-directed, comprehensive system of community services, individualized supports and other forms of assistance.

Child Care

The Council will expand opportunities for infants and toddlers to fully participate in all of the experiences of childhood in inclusive settings and child care centers to reach their developmental potential and for their families to have the necessary supports by:

- identifying 10 inclusive child care centers in the community;
- encouraging Regional Centers and child care staff to participate in a presentation about inclusive child care settings.

Community Supports

The Council will expand opportunities for independence, productivity and integration of individuals with developmental disabilities.

Area Boards will enhance their role as a liaison with governmental and non-governmental agencies through collaboration:

- to protect the rights of people with developmental disabilities;
- to have the education training and supports they need to accomplish their important life goals in a responsive and timely manner;
- to have access to quality services to mitigate the effects of autism;
- to promote at least one event to bring together people with developmental disabilities, family members and stakeholders to brainstorm and develop strategies for responding to gaps in critical services.

Cross Cutting

The Council will use community education and awareness to shape public policy that positively impacts Californians with developmental disabilities and their families by:

- expanding community awareness programs through media and enhanced partnership programs;
- educating the local community on proposed laws or regulations that impact people with developmental disabilities and their families by a variety of multimedia means and information dissemination;

- disseminating information and keeping the community up to date on various issues.

Education and Early Intervention

For students to reach their educational and developmental potential the Council via the Area Boards will:

- inform, educate and train families on education issues of importance to them such as the Individual Education Plan (I.E.P.) process and policies;
- have useful education resources available and will host workshops and trainings;
- sponsor / co-sponsor with collaborative efforts, at minimum a conference on transition and participate in various Transition Fairs;
- provide direct advocacy support as well as resource materials on Special Education rights;
- provide direct advocacy support in mediation and fair hearings when needed;
- will participate in Special Education Local Plan Area (SELPA) committees and/or meetings;
- provide support to families education and support on how to navigate the special education including transition processes;
- will conduct presentations on various topics such as on the Lanterman Developmental Disabilities Act section 504 and the Individuals with Disabilities Education Act (IDEA);
- advocate for young children and their families to receive timely and appropriate Early Start services and smooth transition to the school system;
- will invite Legislators to annual events to educate and inform them on early intervention, education, and transition issues.

Employment

The Council promotes equal opportunity, economic self-sufficiency and full participation in the community. The Council supports people with developmental disabilities to obtain, succeed and advance in the employment consistent with their interests, abilities and needs. In the next three to five years the Council will:

- in conjunction with community partners will increase employment options within the catchment areas;
- provide the necessary information, supports and tools to succeed their employment goals;
- work with a former workability person to provide three training sessions;
- collaborate with State Council on Developmental Disabilities (SCDD), the Area Board will support activities of the Employment First Legislation outlined in Assembly Bill 287;
- will conduct three trainings to educate persons served, vendors and educators about micro-enterprise and inclusive employment opportunities;
- advocate for policy change that increases integrated employment outcomes;
- establish workforce training programs and services that result in integrated employment outcomes for young adults with developmental disabilities;
- promote and develop post-secondary education opportunities, including access to workforce training programs that lead to integrated employment outcomes;
- facilitate the Employment Network meeting quarterly with supported employment vendors, regional center and the Department of Rehabilitation;
- participate in Micro-Business and Employment Committees;
- host and/or participate in an Employment Conference;
- employ a person with a developmental disability to become a National Core Indicators (NCI) Interviewer;

- disseminate information on upcoming employment related events or trainings;
- will provide the necessary supports to get the employment;
- educate persons served, vendors and educators about micro-enterprise and inclusive employment opportunities;
- in collaboration with service providers and regional centers, promote the expansion of competitive employment opportunities, including information on microenterprise development and the Custom Endeavor Option¹;
- bring community partners to develop Project Search employment site that will employ individuals with disabilities in meaningful jobs;
- bring our expertise in benefits planning to the Post Secondary Education (PSE) consortium and participate in events that expand knowledge of PSE best practices;
- coordinate training opportunities for at least 50 people with developmental disabilities in areas such as “obtaining a job”, “keeping a job” and “interviewing skills”;
- will offer training and/or information to at least 20 businesses regarding the value of creating job opportunities for people with developmental disabilities.

Health

The Council supports Individuals with developmental disabilities to have full access to a full range of coordinated health, dental and mental health services in their communities as well as the education, training and information needed to access and provide quality services. To make this happen the Council will:

- facilitate presentations of the “Drug & Alcohol Team”;
- co-sponsor with Far Northern Regional Center (FNRC) a workshop on Prader-Willi syndrome;

¹ Area Board 10 in collaboration with service providers and regional center will provide alternative program component.

- disseminate data gathered from the Quality Assurance (National Core Indicators) on Health related items to interested parties;
- gather information, organize and participate in one health fair, and in disaster preparedness trainings;
- investigate and publicize other health events;
- participate in Electro-Convulsive Therapy² (ECT) peer review panels for persons who receive regional center services as requested. Advocate for a consistent policy in convening these panels;
- develop a Resource Guide on sources for free or low cost medical, dental and related services and ensure that people with developmental disabilities who have been affected by the cutbacks in Medi-Cal are aware of these alternative resources including regional center funding and community-based nonprofit organizations.

Housing

The Council supports Individuals with developmental disabilities to have access to affordable housing that provides control, choice, and flexibility regarding where and with whom they live. The Council will:

- hold a “Housing Summit” to explore residential options;
- work with partners to identify potential opportunities / barriers in developing housing options;
- explore potential legislative changes to increase the opportunity for home ownership and rental options;
- provide information resources on housing;

² **Electroconvulsive therapy (ECT)**, previously known as **electroshock**, is a well-established, albeit controversial, psychiatric treatment in which seizures are electrically induced in anesthetized patients for therapeutic effect. Today, ECT is most often used as a treatment for severe major depression which has not responded to other treatment, and is also used in the treatment of mania (often in bipolar disorder), and catatonia. Scott AIF (ed) *et al.* (2005). "The ECT Handbook Second Edition: The Third Report of the Royal College of Psychiatrists' Special Committee on ECT". Royal College of Psychiatrists. <http://www.rcpsych.ac.uk/files/pdfversion/cr128.pdf>.

- develop and provide a housing fact sheet;
- will participate in a housing coalition;
- gather information from the different housing authorities regarding the Section 8 status and disseminate when appropriate;
- continue to work with and advocate for those regional centers and government officials who have committed to developing and expanding affordable housing units;
- disseminate information about government grants, funding and nonprofit resources to regional center-sponsored housing corporations. Promote use of Capital Purchase Program (CPP) funds to develop affordable housing for developmental center residents who return to community living;
- research various inclusive housing options in the community;
- produce housing resource materials which may include first-time homebuyer workshops, existing housing corporations, assistance programs and agency referrals;
- develop subsidized housing information packets by contacting Housing and Urban Development (HUD)/ Section 8 housing and other local housing authorities.

Quality Assurance

The Council supports Individuals with developmental disabilities and their families to have control, choice and flexibility in the services and supports they receive. The Council will achieve this by:

- providing advocacy to 40 individuals and/or families annually. This advocacy may include systems navigation, technical assistance, information, and attendance at meetings with Individual Program Plan (IPP), Individual Family Service Plan (IFSP), Individual Education Plan (IEP) and assistance with due process as appropriate;
- advocating to maintain people in the least restrictive environment, maintaining a strong focus on people with multiple diagnoses, considering an array of options including the use of restrictive statutes for eligible cases;

- supporting annually, 35 individuals in participating in an environment that will lead to the accomplishment of their important life goals;
- advocating yearly for 20 individuals who require a high level of flexibility in the support they receive;
- collaborating with public health agencies and regional center to collect and translate at a minimum six documents to be available in Spanish;
- providing oversight and information regarding health services to clients with an emphasis on dental health, mental health and consumer satisfaction, by the use of its Blue Ribbon Committee on multi-dimensional cases and its ongoing oversight and advocacy with generic service providers as well as the Redwood Coast Regional Center;
- maintaining the overarching principles and the philosophy and the self-determination pilot and person centered planning;
- continuing working with Individual Choice Budget Model primarily to move the trend of developmental disabilities funding past simple cost cutting while sustaining the paradigm which supports genuine individual choice;
- co-sponsoring two Emergency Preparedness Fairs and promote video production of Theater in the Now's "Ready or Not" show;
- meeting with We Care A Lot Foundation (WCALF) and Region 2 People First to explore resources, information and action regarding: police training and reporting crimes; training for providers on dreams, respect, confidentiality; and financial abuse;
- recruiting active parents, individuals with developmental disabilities and community members to represent their community in service on the Board;
- meeting with other public agencies, non-profits and stakeholders in the County to build partnerships and promote collaboration outside the developmental disabilities system;
- promoting forums where: people learn to speak for themselves, professionals listen, and, both work together for system change;
- exploring projects including: educating parents on history and value of the "self advocacy" movement; "peer training" programs; expanding "Life

Guides” to helping young teens and adults living with aging parents develop their own “Life Plan”; “Welcome Home” project; and, forums about “why” working and marriage are good;

- advocating for individuals and their families to receive the supports and services they are entitled to under the law;
- providing input or action to identify and collaborate on systemic issues;
- researching resources and funding for information to be available in alternative formats including but not limited to: sign language, large print, Braille, color coded, pictures and easy to understand language;
- providing training to families on their legal and civil rights;
- working in partnerships with Family Resource Centers in the catchment area as well as other organizations that serve the Spanish speaking community to provide trainings on services for individuals with developmental disabilities and their families;
- providing Quality Assessment (QA) services in compliance with the contract agreed between State Council on Developmental Disabilities and Department of Developmental Services;
- having inclusive Boards that is representative of the community, embracing the principles and practices of inclusion and self-determination;
- increasing individuals with developmental disabilities self-advocacy skills;
- supporting the California People First Organization and the Supported Life Institute in holding the annual People First Conference in Sacramento;
- providing advocacy and rights training to individuals with developmental disabilities;
- assisting three local advocacy organizations to fund on-going self-advocacy activities;
- providing information on end-of-life planning;

- collaborating with various nongovernmental and governmental agencies to identify persons most at risk of having their rights and needs unmet, and to provide appropriate supports and advocacy services;
- working with parent organizations to develop parents who are mentors and leaders to assist other parents;
- providing information on self-advocacy through our website, newsletter and trainings;
- providing information on self-advocacy through our website, newsletter and trainings;
- working in partnerships with local groups and organizations that serve the Spanish speaking community to provide trainings on available services for people who receive services;
- meeting with the quality assurance interviewers three times per year to keep them informed regarding changes and updates as well as problem solve issues which arise for the visitors;
- hosting a conference on inclusion;
- tracking, promoting and commenting on relevant legislation and regulatory changes at the local, state, and federal level and disburse updates to interested parties.

Transportation

The Council supports individuals with developmental disabilities and their families to have access to transportation that enables full participation in all aspects of community life. The Council will:

- assist board members to participate at county transportation meetings;
- assist people to navigate transportation complaints;
- continue to provide input as appropriate to Metropolitan Transportation Authority (MTA), Access Services, Incorporated (ASI) and city and county officials regarding transportation policies, practices and service needs;

- communicate regularly with the transportation director at Valley Mountain Regional Center (VMRC) to problem solve any issues and/or concerns;
- monitor and publicly advocate for the development of an online booking system and other improvements that will aid efficiency.

DRAFT

Other Advocacy, Building Capacity, and Systemic Change:

Governance

The Council and its standing committees and sub-committee receive staff and administrative supports to effectively implement its mission and goals.

The Council's committees are as follows:

- Executive Committee
- Administrative Committee
- Legislative and Public Policy Committee
- Program Development Committee
- Strategic Planning Sub-Committee

To maximize the administration of the California State Council on Developmental disabilities it also provides support to all 13 Area Boards which may include but is not limited to: technical assistance, training, increased grant fund allocation and other supports that will be instrumental in meeting the needs of the 13 catchment areas and addressing emerging issues.

The following are the 13 area boards and the counties that are within their catchment area.

Area Board 1: Del Norte, Humboldt, Lake, Mendocino

Area Board 2: Butte, Shasta, Glenn, Siskiyou, Lassen, Tehama, Plumas, Modoc, Trinity

Area Board 3: Alpine, Sacramento, Colusa, El Dorado, Sutter, Nevada, Yolo, Placer, Yuba, Sierra

Area Board 4: Napa, Solano, Sonoma

Area Board 5: Alameda, Contra Costa, Marin, San Francisco, San Mateo

Area Board 6: Amador, Calaveras, Tuolumne, San Joaquin, Stanislaus

Area Board 7: Monterey, San Benito, Santa Cruz, Santa Clara

Area Board 8: Mariposa, Madera, Merced, Fresno, Kings, Tulare, Kern

Area Board 9: San Luis Obispo, Santa Barbara, Ventura

Area Board 10: Los Angeles

Area Board 11: Orange

Area Board 12: Inyo, Mono, Riverside, San Bernardino

Area Board 13: San Diego, Imperial

AGENDA ITEM DETAIL SHEET

ISSUE: California State Strategic Plan for 2012-2016- Public Hearings

BACKGROUND: The Council is mandated by the federal Administration on Developmental Disabilities and the Lanterman Act to develop a five-year state plan with extensive community input.

ANALYSIS/DISCUSSION: Public hearings are one method the Council will use to obtain public input.

COUNCIL STRATEGIC PLAN OBJECTIVE: To develop a five- year State Plan which includes extensive community input.

PRIOR COUNCIL ACTIVITY: The Strategic Planning Sub-committee met on October 20, 2010 and discussed public hearing procedures and outreach.

RECOMMENDATION(S): Participate and support the public hearings in your catchment area. Invite everyone to attend a public hearing.

ATTACHMENTS(S): Public hearing participation roster including dates, area board locations and Council/Strategic Planning Sub-Committee participants.

PREPARED: Diana Ramirez, Planning and Program Specialist

**State Strategic Plan
Public Hearings
2011**

AB 3: Sacramento- 1/26/11

Area Board Executive Director: Michael Rosenberg

Location: U.C. Davis M.I.N.D Institute, Sacramento, CA

Strategic Planning Sub-Committee member(s): Robin Hansen

Council Member(s): Lisa Cooley

AB member(s):

HQ/AB Staff:

AB 13: San Diego- 1/27/11

Area Board Executive Director: MaryEllen Stives

Location: San Diego Regional Center (?)

Strategic Planning Sub-Committee member: David Mulvaney

Council Member(s):

AB member(s):

HQ/AB Staff:

AB 10: Los Angeles- 2/2/11

Area Board Executive Director: Roberta Newton

Location:

Strategic Planning Sub-Committee member: Marcia Good, Dr. Olivia Raynor

Council Member(s):

AB member(s):

HQ/AB Staff:

AB 8: Fresno- 2/8/11

Area Board Executive Director: Joe Bowling

Location:

Strategic Planning Sub-Committee member:

Council Member(s): Steve Silvius

AB member(s):

HQ/AB Staff:

AB 12: San Bernardino- 2/17/11

Area Board Executive Director: Vickie Smith

Location:

Strategic Planning Sub-Committee member:

Council Member(s):

AB member(s):

HQ/AB Staff:

AB 9: Santa Barbara- 2/24/11

Area Board Executive Director: LesleyAnne Ezelle

Location:

Strategic Planning Sub-Committee member: Shirley Dove

Council Member(s): Denise Filz

AB Member(s):

HQ/AB Staff:

AB 5:

Area board Executive Director: Rocio Smith

Location:

Strategic Planning sub-Committee member:

Council Member(s):

AB Member(s):

HQ/AB Staff:

AGENDA ITEM DETAIL SHEET

ISSUE: Program Development Fund Committee (PDC) – Request for Proposal/ Application and Instructions. Federal Fiscal Year 2011-12 - Cycle 34

BACKGROUND: In February of this year the Program Development Committee initiated a process to review the shifting of dollars for Cycle 34. The Committee requested and was granted by the Council in March of this year allocating program development fund dollars to the local Area Boards.

Further, as an integral part of shifting the allocation, was the redesign of the Request for Proposal and Application and Instructions manual. A workgroup including the PDC and a number of Executive Directors from the local Area Boards worked with Policy and Planning staff of the Council in rewriting the above noted document. The document was approved by the PDC as well as the Strategic Planning Subcommittee (SPS) and the Administrative Committee in October.

ANALYSIS/DISCUSSION: As a part of the approval, the Strategic Planning Subcommittee requested an addition to the process which would help to assure that potential grant recipients' could not seek multiple Area Board funding for a single project. Policy and Planning staff revised the Project outline questions accordingly.

The Request for Proposal and Application and Instructions will be an integral part of the local Area Boards in guiding the grant process. The workgroup redesigned the materials to assure a consistency in granting dollars by local Area Boards across the state.

COUNCIL STRATEGIC PLAN OBJECTIVE:

PRIOR COUNCIL ACTIVITY: The Councils' activity to date with regard to this matter is noted above as **Background**

RECOMMENDATION: Staff is recommending that the Council approve the attached documents.

ATTACHMENT: Program Development Grant: Request for Proposal and Application and Instructions

PREPARED: Michael Rosenberg, Acting Deputy Director of Policy and Planning



1507 21st Street, Suite 210
Sacramento, CA 95811
(916) 322-8481
www.scdd.ca.gov

**Program Development Grant
Request for Proposal
Application and Instructions
Federal Fiscal Year 2011-12
Cycle 34**

Proposal Deadline:

Date _____

No faxes or emails will be accepted

The application packet is available at:

www.scdd.ca.gov

**Please call _____ or e-mail _____
with any questions the regarding application or the grant process:**

Use of this e-mail for any other purpose than this grant application is not authorized by SCDD.

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A. INTRODUCTION

The Area Boards' administer grants to community-based organizations that fund new and innovative program development projects to implement the required California State Strategic Plan on Developmental Disabilities (The Plan) objectives and improve and enhance services for Californians with developmental disabilities and their families. The Program Development Grant (PDG) provides funding for new approaches to serving Californians with developmental disabilities that are part of an overall strategy for systemic change. Each year the Council selects objectives from the federally required Plan and seeks proposals that are new and innovative in providing services to individuals with developmental disabilities and their families.

Pursuant to the Developmental Disabilities Assistance and Bill of Rights Act (Public Law 106-402), the State Council on Developmental Disabilities is responsible for all Federal Part B Funds appropriated to California. Portions of these funds are allocated to the Program Development Grant Program. Approximately \$1.5 million may be awarded for funding through the PDG Program in Cycle 34, Fiscal Year 2011-12. The purpose of the grant program is to provide resources necessary to initiate new programs/or replication projects that are creative, and innovative for people with developmental disabilities and their families.

1. Federal and State Law

The State Council on Developmental Disabilities is a federally funded independent state agency established by federal and state law. Pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Public Law 106-402), financial assistance to the State Council on Developmental Disabilities is provided to develop and implement The Plan to support advocacy, capacity building, and systemic change activities that are consistent with promoting a consumer and family-based system of services, supports, and other assistance. The goal of the federal law is to enable people with developmental disabilities to achieve self-determination, independence, productivity, and community integration and inclusion.

Provisions in the State Lanterman Developmental Disabilities Services Act (Amended Statutes of 2002, Chapter 676) directs the State Council on Developmental Disabilities to conduct activities related to meeting the Objectives of the The Plan, including activities to demonstrate new approaches

to serving individuals with developmental disabilities that are a part of an overall strategy for systemic change.

2. Federal Funding

Federal law requires that the funds allotted to California “shall be used to pay for the Federal share of the cost of carrying out projects in accordance with The Plan approved under section 124 for the provision under such plans of services for individuals with developmental disabilities.” (ADD Act Public Law 122B)

3. Program Development Grant (PDG)

The PDG program is the important vehicle used by State Council on Developmental Disabilities to meet both the federal and state legal mandates as outlined above. The PDG projects are the primary method of directly providing the resources needed to initiate new and innovative programs/services for Californians with developmental disabilities and their families.

Grants are awarded on an annual cycle, consistent with specific Areas of Emphasis outlined in The Plan. Both the State Council on Developmental Disabilities and grant recipients assert that the heart of this program is the ability to provide urgently needed services for individuals with developmental disabilities and their families that otherwise would not be available. An important component of the systemic changes and improvements resulting from these grants, besides the immediate funding that allows the creation or expansion of services, is the applicant’s commitment to securing ongoing funding for their programs.

During the Program Development Grant process, the role of the local Area Board is to: ensure that all proposals are fairly and consistently reviewed and evaluated; comply with State and Federal laws and policies; provide assistance to applicants; and award grants to the highest ranked proposals based on available funding.

B. THE PLAN

The State Council on Developmental Disabilities Plan defines critical current and emerging issues facing Californians with developmental disabilities and their families. The Plan is developed with extensive community input from the 13 Area Boards that are located across California. The SCDD State Plan also provides information to the Federal Administration on Developmental Disabilities on how State Council on Developmental Disabilities will invest its resources.

C. INSTRUCTIONS FOR COMPLETING PDG APPLICATION

1. In addition to the Area Board's emphasis on the grants as part of its overall systemic change, proposals must demonstrate an emphasis on achieving the stated outcomes. All applicants must be willing to share information on dissemination on their funded program/grant.
2. The application packet (proposal) must be complete and meet all of the requirements set forth in the application guidelines.
3. Applicants are responsible for providing accurate, current, and complete information about their organization and proposed program/project.
4. All decisions regarding proposals that are ultimately funded are the sole responsibility of the Area Board. Therefore, submission of all required documentation must be submitted and completed in the manner outlined in this application packet.
5. The Area Board reserves the right to amend guidelines by addendum, but no later than ten days prior to the submission deadline date.

6. Timelines and Submission Information

Application Deadline.....Date _____

Technical & Committee Review.....Date.....

Area Board Selection.....Date.....

Board Action.....Date.....

Public Notice.....

Protest Period.....

Award Notification (pending completion of protest period).....

Anticipated Funding of Awarded Proposals to Begin.....

7. Any proposals received after **DATE** _____ regardless of the postmarked date, will be returned to the applicant, and will not proceed through the evaluation process.
8. The Area Board **does not accept faxing or e-mailing** of any documents pertaining to the completed application.
9. One copy ready applications, including all the required documentation must be received by **5:00 p.m. on** _____ at:

Grants Manager
Area Board _____
ADDRESS

10. The proposals selected for funding will be at the sole discretion of the Area Board.
11. Prior to posting the “Notice of Intent to Award Contracts” and during the protest period all proposals will be designated confidential to the extent permitted by the California Public Records Act. After the protest period ends, all proposals received will be regarded as public record. Any language purporting to render all or any portion of the proposals confidential shall be regarded, as non-effective and the proposal will be rejected.

D. Funding of Projects

- a. The funding of projects is contingent on the Area Board’s receipt of sufficient federal funds. After the announcement of a grant award, changes in the level of federal appropriations received by the Area Board may result in the reduction of funds or withdrawal of some or all funded proposals. The Area Board assumes no responsibility for costs incurred by the applicant for the completion or submission of a proposal.
- b. The Area Board reserves the right to accept or reject any or all proposals received as a result of the request, to negotiate with any qualified entity, or to modify or cancel, in part, or in its entirety, these guidelines if it is in the best interest of Area Board to do so.
- c. The Area Board may reduce the allocation request in any proposal. If the proposal amount is reduced, the applicant will be asked if they would like

to proceed with the process. If applicant wishes to proceed, a revised budget will be required with the new allocation amount.

d. Successful grantees will submit all invoices in arrears. Prior to executing the contract, successful applicants must be able to provide assurances that they are financially able to meet expenditures until approved reimbursement is received.

e. Advance payments will not be issued.

E. Format Requirements

Please complete the forms listed on the Area Board website or request a paper copy from the Area Board.

The Area Board strongly encourages applicants submitting proposals to be accurate, brief, and clear in the presentation of their proposal/ideas

F. Attachments

Attachments must follow application packet, all attachments are to be numbered and in the sequential order listed below.

A1. Provide a **continuation of funding letter(s) or verification.**

A2. Letters of Support

Attach a minimum of three letters of support; the letters must be from three different entities. Applicants are urged to obtain letters of support from any collaborators working on the project. Each letter shall identify the company/individual's name, address and state the contact person with the telephone number.

All letters must be submitted with the proposal and **DATED** _____, 2011; the release of the Request for Proposal. At least one letter of support must be from an entity with recognized expertise in the objective area identified in the proposal.

The individuals writing the letters of support must state in their letter that:

A2a. The proposal has been reviewed;

A2b. State your familiarity of the applicant; and

A2c. The need for the services outlined in the proposal.

Letters of support received from **entities and/or individuals** that **will financially benefit** from the **grant funding of this project shall not be counted** toward the **required three letters of support**.

Please note: As the funding source, SCDD Council Members, State Department that have appointed Members who serve on the Council, Council Headquarters' and Area Board staff are ineligible to write letters of support.

A3. Organizational Chart

Provide an organizational chart for the proposed program only. List the names and positions of the personnel listed in your budget. The organizational chart does not need to include the entire agency or institution;

A4. Curricula Vitae, Duty Statement, Current Licenses and Credentials

Where available, provide Curricula Vitae for each staff person working of the proposal; if Personnel Staff has not been hired yet, provide duty statements.

A5. Previous grants/awards

List all grants/awards received from other entities in the last two years that benefit individuals with developmental disabilities. This should include the name of project, the funding source, contact person, telephone number and the amount of the grant/award.

G. TECHNICAL REVIEW

The Area Board office assessment is to determine if the services being proposed in the proposal is currently needed in the catchment area where the services will be provided and is a priority as noted in the Boards Local Strategic Plan.

Criteria for Technical Review

- Proposals submitted must meet the California State Strategic Plan on Developmental Disabilities – Area(s) of Emphasis
- Proposals submitted must serve individuals who meet the federal and/or state definitions of developmental disabilities. (Refer to Section J, Glossary of Terms, for definitions)
- Proposals submitted must be consistent with all applicable federal, state, and local government laws and regulations
- Proposals submitted must follow the formatting instructions
- Proposals submitted must have the correct forms from the Cycle 34 application packet
- All required attachments are submitted in the required order
- The Area Board may reject any proposal as non-responsive if it is conditional, incomplete, and/or contains irregularities.

The Area Board may waive any immaterial deviation in a proposal. Waiver of an immaterial deviation shall in no way modify the guideline documents or excuse the applicant from full compliance with the contract requirements if the applicant is selected for funding.

Any of the following fatal mistakes will result in rejection of the proposal during the technical review process:

- 1) Proposal does not include the required three letters of support
- 2) Proposal is missing any of the forms;
- 3) Proposal used the incorrect forms or forms omitted required information;
- 4) Proposal is received after 5:00p.m. on the deadline;
- 5) Proposal includes state employees, or past state employee working on project (see guidelines for state employees); and/or
- 6) Required elements of the application are faxed or e-mailed to the Area Board office.

H. PROGRAM EVALUATION AND SELECTION PROCESS

1. Overall Program Evaluation

Each eligible proposal will be scored as followed: A maximum of 100 points from each member of the Program Evaluation Taskforce.

2. Criteria for Program Evaluation

A scoring system will be used during the Program Evaluation process to rank proposals. A maximum total of 100 points per reviewer will be awarded based on the following criteria:

- Extent to which goals and objectives are present and clearly defined. The proposal encompasses the specific Area Board Strategic Plan Goals. 10pts
- Describes types of services / supports. 10pts
- Extent to which the applicant has experience, knowledge, and demonstrates the ability to accomplish what is being proposed. 10pts
- Extent to which the proposal demonstrates sound methodology: Appropriate timeframes for meeting project goals & objectives. Reasonable staff based on services being provided. 10pts
- Extent to which the applicant demonstrates in measurable outcomes the impact on the target population. 10pts
- Extent to which the applicant demonstrates evidence of interagency collaboration, and how the services may be integrated in the existing service system. 10pts
- Extent to which the budget is reasonable and appropriate for accomplishing the program/objectives as outlined in the proposal. 10pts
- Extent in which the budget is appropriate to the activities of the grant and the number of people to be served. 10pts
- Extent to which an evaluation process/method/procedure is described. 10pts
- Extent to which the reviewer determines that the proposal should be funded in relation to the strength of the other proposals. 10pts

3. **Conflict of Interest Statement**

The Conflict of Interest Statement, includes a formal recusal policy for individual reviewer to exclude himself/herself from all discussions and scoring of any proposal that presents a conflict of interest. If a conflict of interest is found to exist for any of the grant review the remaining members will be averaged, and the averaged score will be added to the total score.

I. Notice of Intent to Award Contracts and Protest Period

A “Notice of Intent to Award Contracts” will be **posted** _____, 2011, at www.sccd.ca.gov and the granting local Area Board office.

A written protest may be filed with the Executive Director of the local Area Board during the **period-----**. The protest letter must be received at the Area Board office before 5:00 p.m. **on** _____.

The written protest must outline specifically what the applicant is protesting and why the protest is being filed. Protests are limited to those instances where the Area Board did not follow the Instructions as specified in the Program Development Grant application packet.

J. ALLOWABLE AND NON-ALLOWABLE PDG GRANT COSTS

The purpose of the PDG program is to provide resources necessary to initiate new programs that are creative, special, needed and innovative for people with developmental disabilities and their families. These funds may not be used to purchase goods or services for which another funding source is available, or to supplant existing funding. Proposal budgets should include all necessary expenses for the applicant to complete their project/program.

Each line item in the budget will be reviewed by the Area Board to determine whether it is allowable and reasonable. The Area Board reserves the right to request a revised budget. The following list contains examples of allowable and non-allowable PDG contract expenditures.

- Funds cannot be used to purchase real property.
- Funds cannot be used to purchase childcare vouchers.
- Funds may be used to modify facilities to meet fire and life safety requirements of the Fire Marshall and/or the local licensing agency. The

applicant will be required to submit three bids for any facility modifications.

- Rent for an office and/or facility is a reimbursable expense, as long as staff funded through the grant is working from the office/facility. The rent should not exceed the rental rates for an equivalent size facility in the geographical area.
- Equipment may be leased; however, it may not be leased with an option to purchase. The contractor shall provide Area Board with copies of lease agreements for equipment leased during the contract period.
- Examples of equipment that may not be purchased or purchased only with prior approval include:
 - Motor vehicles may not be purchased.
 - Computers may only be purchased with prior approval from the Area Board.
 - Copy machines may not be purchased. However, they may be leased during the contract period.
 - Wall-to-wall carpeting is non-allowable. However, area rugs may be purchased.
- Any equipment item that is attached to a facility or vehicle, which cannot be removed in usable condition of the facility or vehicle ease to serve persons with developmental disabilities.
- As a general rule, it can be assumed that equipment with a value under \$500 will be amortized and no longer property of the State after three years. For purposes of PDG, equipment item costs must be considered in terms of the end usable product, e.g., a bed is considered the sum of the cost of the mattress, box springs and frame. Applicants should contact the Area Board on specific issues concerning items over \$500.
- Funds cannot be used for modifications that are solely aesthetic in nature or are not necessary to meet fire and life safety requirements.
- Any reimbursement for necessary travel expenses and per diem shall be at rates set in accordance with allowable state guidelines and per diem and mileage rates. **Travel outside the State of California shall not be reimbursed.**

- PDG funds shall not be used to purchase food for participants at PDG sponsored conferences, trainings, seminars or workshops.
- Consultants' rates must conform to 1) the Schedule of Maximum Allowances for positions covered by that schedule; 2) comparable state civil service positions; or if the above are not applicable, 3) to the going rate for similar work outside state service.
- Start-up costs are typically used for costs incurred prior to consumers receiving services. Such costs may include licensing and training costs, rent, furnishings, and salaries during start-up, or utility deposits.
- Transition costs include the cost of operating the program and starting when the first consumer is served and ending when the contract period is over and/or after any third-party reimbursements are made (e.g., Medi-Cal). Transition costs must conform to existing rates.
- Costs related to disseminating information about project outcomes can only be included in the funding request if this expense is to be incurred during the term of the contract period.
- No staff person can be committed to more than 100% of that person's time. The Area Board reserves the right to verify and determine reasonableness of staff time committed to other jobs/projects.

K. PDG/STATE CONTRACTING REQUIREMENTS/PROVISIONS

This section contains standard agreement language that pertain to services and budgetary/payment provision requirements in the PDG contract. Provisions in the contract are subject to change.

Scope of Work - Contractor agrees to do the following:

- a. Provide the SCDD with the services as described in the proposal submitted.
- b. Work and cooperate with the SCDD on dissemination/project replication.
- c. Monitor and report all fiscal expenditures and program activities to ensure contract compliance.

Budget Detail and Payment Provision

- a. Invoicing and Payment - The maximum amount payable under this agreement shall not exceed the amount awarded by the Area Board. The contract language shall include the contract amount, the services that will be provided, and the dates the contract's beginning and ending dates.
- b. For services satisfactorily rendered, and upon receipt and approval of the invoice(s), and progress and outcome report(s) for the period covered, SCDD agrees to reimburse the Contractor for said services in accordance with Exhibit ___, Attachment ___, Budget.
- c. Reimbursement for necessary travel expenses shall be made from funds within this contract and shall not exceed those applicable to excluded state employees under the current Department of Personnel Administration Regulation (DPA 599.619). The Contractor agrees to certify and maintain the documents substantiating travel and per diem expenses for a period of three years after final payment of this contract. No travel outside the State of California by Contractor shall be reimbursed.
- d. Invoices shall be submitted on the Invoice Form provided by the Area Board. All invoices must be submitted with a progress report. Invoices shall be submitted not more frequently than monthly or quarterly in arrears to:

Kristie Allensworth
California State Council on Developmental Disabilities
Program Development Grant
1507 21st Street, Suite 210
Sacramento, CA 95811

State Budget Contingency Clause

It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this contract does not appropriate sufficient funds for the program, this contract shall be of no further force and effect. In this event, SCDD shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this contract and Contractor shall not be obligated to perform any provisions of this contract.

If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, SCDD shall have the option to either cancel this contract with no liability occurring to SCDD, or offer a contract amendment to Contractor to reflect the reduced amount.

Contracts with Federal Funds

It is mutually understood between the parties that this contract may have been written before ascertaining the availability of Congressional appropriation of funds, for the mutual benefit of both parties, in order to avoid program and fiscal delays which would occur if the contract were executed after that determination was made.

This contract is valid and enforceable only if the United States Government makes sufficient funds available to SCDD, for the term of this contract and for the purposes of this proposal. In addition, this contract is subject to any additional restrictions, limitations, or conditions enacted by the Congress or any statute enacted by the Congress which may affect the provisions, terms, or funding of this contract in any manner.

It is mutually agreed that if the Congress does not appropriate sufficient funds for the program, this contract shall be amended to reflect any reduction in funds.

By notification in writing, either party has the option to void the contract under the 30-day cancellation clause or amend the contract to reflect any reduction of funds.

Prompt Payment Clause

Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with Section 927.

Review

The Area Board or acting agent reserves the right to review service levels and billing procedures as they impact charges against this contract.

Final Billing

Final billing, reports, and products for services must be received by SCDD within 45 days following the end of the contract.

Funding Source

Contractor agrees it shall not bill any other funding source for services provided to consumers that are funded under this contract.

Contract Budget Changes

Contractor shall request in writing to the Area Board all proposed budget shifts and/or transfers that are above ten percent of the budget, between individual line items and any additions or deletions of line items. Such requests shall contain an explanation of the need for the change, identification of the line items to be changed and a revised Budget. Any changes cannot be made prior to the Area Board written approval. The Area Board reserves the right to deny any request for line item transfers, additions or deletions. Contractor understands that in no event shall the maximum amount payable exceed the maximum amount specified in this contract. The program element of the contract is approved by the Area Board, any budget changes request that will change the program element will not be approved.

Equipment

When equipment is purchased or built with state funds as part of the contract the contract must clearly state that title to any equipment purchased or built with state funds will vest in the state. On termination of the contract, the state may:

Request such equipment be returned to the state, with costs incurred by the contractor for such return being reimbursed by the state.

- Authorize the continued use of such equipment for work to be performed under a different agreement or contract. The state may, at its opinion, repair any damage or replace any lost or stolen items and deduct the cost thereof from the contractor's invoice to the state, or require the contractor to repair or replace any damaged, lost, or stolen equipment to the satisfaction of the state with no expense to the state. In the event of theft, a police report must be filed immediately. (Refer to SAM § 2625)
- The contractor should maintain an inventory record for each piece of non-expendable equipment purchased or built with funds provided under the terms of a contract. The inventory record of each piece of such equipment should include the date acquired, total cost, serial number, model identification (on

purchased equipment), and any other information or description necessary to identify said equipment. Non-expendable equipment so inventoried are those items of equipment that have a normal life expectancy of one year or more and an approximate unit price of \$5,000 or more. In addition, theft-sensitive items of equipment costing less than \$5,000 should be inventoried. A copy of the inventory record must be submitted to the state on request by the state. (Refer to SAM Section 8600)

- Procedures for the handling and accounting of equipment through contracts is the same as that for handling through regular state purchasing.

Expenditure Restrictions

Notwithstanding any terms to the contrary, no provision of the contract shall be interpreted to authorize expenditures or reimbursements for items not strictly in conformance with appropriate state or federal guidelines. Department of General Services requires that the SCDD provide "Exhibit C. General Terms and Conditions" language to be included as part of the Standard Agreement contract. Applicants must review this document to ensure that they will be able to comply with the requirements. The exhibit is available on the Internet at www.dgs.ca.gov/contracts and may be downloaded and printed for your files. If you do not have Internet capabilities, please contact the SCDD for a hard copy of the document.

Special Terms and Conditions

Dispute Provisions

If the Contractor disputes a decision of the Contract Manager regarding the performance of this contract or on other issues for which the Contract Manager is authorized by this contract to make a binding decision, Contractor shall provide written dispute notice to Contract Manager within fifteen (15) calendar days after the date of the action.

The written dispute notice shall contain the following information:

- a. The decision under dispute;
- b. The reason(s) Contractor disputes the decision of the Contract Manager (if applicable, reference pertinent contract provisions);
- c. Identification of all documents and substance of all oral communication which support Contractor's position; and
- d. The dollar amount in dispute, if applicable.

Upon receipt of the written dispute notice, the Area Board Executive Director will examine the matter and issue a written decision to the Contractor within twenty (20) working days. The decision of the Executive Director shall contain the following information:

- a. A description of the dispute;
- b. A reference to pertinent contract provisions, if applicable;
- c. A statement of the factual areas of agreement or disagreement;
- d. Proposal a possible resolution to the dispute; and
- e. Provide a final decision regarding the dispute.

The decision of the Area Board Executive Director shall be final unless, within thirty - (30) calendar days from the date of receipt of the Area Board Executive Director's decision, Contractor files with the California State Council on Developmental Disabilities a notice of appeal, in accordance with Title 1, California Code of Regulations, Section 251, et. Seq., and addressed to:

Attention: Executive Director
California State Council on Developmental Disabilities
1507 21st Street, Suite 210
Sacramento, CA 95811

Pending resolution of any dispute, Contractor shall diligently continue all contract work and comply with all of the representative's orders and directions. The decision of the Area Board or its designee shall be final.

Termination of Contract

This contract may be terminated with or/without cause by SCDD or the Contractor, upon providing a 30-day written notice to the other party. If the contract is terminated prior to completion any/all equipment purchased through this contract will be returned to SCDD.

Debarment and Suspension

For federally funded contracts in the amount of \$100,000 or more, the Contractor agrees to certify that he/she and their principals are not debarred or suspended from federal financial assistance programs and activities. Contractor agrees to sign and return to SCDD the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Transactions." If applicable, a copy of this form is being forwarded to the Contractor with this contract. (Executive Order 12549, 7 CFR Part 3017, 45 CFR Part 76, and 44 CFR Part 17).

Certification Regarding Lobbying

For contracts with Contractors who are State entities not under the authority of the Governor, for cities, private firms or agencies that are receiving in excess of \$100,000 in federal funds from SCDD to perform services, the Contractor agrees to sign and submit to SCDD the 'Certification Regarding Lobbying' form with this contract. (Section 1352, Title 31 of the U.S. Code).

Patents, Copyrights and Trademarks

Contractor agrees that any and all products or any other object or deliverable produced under this contract are the property of the State Council on Developmental Disabilities. Reproduction of these products, objects, or deliverables cannot be made without the express written approval of the State Council on Developmental Disabilities. Credit for these deliverables will be acknowledged as follows: "This Product was made possible by the California State Council on Developmental Disabilities Grant Funds awarded to (insert provider's name) Copyright California State Council on Developmental Disabilities. All Rights Reserved." Anything produced pursuant to this contract that may be patented or copyrighted is the sole property of the State Council on Developmental Disabilities whether or not a patent or copyright is applied for or received by any other party or person.

Subcontractors

If Contractor proposes to subcontract any services required under this contract, Contractor shall submit any such proposal/MOU/contracts to the Contract Manager for review and written approval prior to initiation of the work by the subcontractor. Notwithstanding any subcontracting permitted by the Area Board, Contractor shall be solely liable for any failure of performance required by this contract. All subcontractors shall be required by Contractor to meet or exceed any and all provisions of this contract.

Insurance Requirements

Prior to the contract approval, Contractor, other than a self insured public entity, shall furnish to SCDD, Certificate(s) of Insurance stating that there is liability insurance presently in effect covering all of Contractor's activities under this contract as appropriate of not less than \$500,000 per occurrence. The Certificate of Insurance will provide that:

- a. The insurer will not cancel the insured's coverage without thirty-days (30) prior written notice to SCDD, and
- b. SCDD, the Federal Administration on Developmental Disabilities, its officers, employees, and agents are included as additional named insurers, but only insofar as the operations under this contract are concerned.
- c. Contractor agrees that the liability insurance herein provided for shall be in effect at all times during the term of this contract. In the event said insurance coverage expires at any time or times during the term of this contract, Contractor agrees to provide at least thirty (30) days prior to said expiration date a new Certificate of Insurance evidencing insurance coverage as provided herein for not less than one (1) year. In the event Contractor fails to keep in effect at all times insurance coverage as herein provided, SCDD may, in addition to any other remedies it may have, terminate this contract upon the occurrence of such event. Contractor expressly agrees that it shall carry all other forms of insurance as appropriate to its operations or as required by law, such as but not limited to Workers' Compensation Insurance.

Reporting Requirements

Contractor shall agree to the following reporting requirements:

- Submission of written quarterly progress reports, and billing invoices in a format provided by the Area Board. These reports shall include, but not be limited to: whether the project is on schedule, address issues related to project operations and supervision, and afford opportunities for airing difficulties or special problems encountered so that remedies can be developed quickly. The Area Board reserves the right to withhold payment on invoices submitted until an acceptable report is received;
- Submission of a written final report in a format and manner prescribed by the Area Board, within 45 days after contract completion or termination. This final report shall include but not be limited to a camera-ready or master copy of any materials covered under Item 7 developed in the performance of this contract and shall be comprehensive and include problems and solutions encountered during the contract term;

- Submission of other reports as may be required by the Area Board; and
- Unless otherwise instructed by the Area Board, Contractor shall submit a copy of the progress and final reports to SCDD, the local Area Board Office(s), and the local Regional Center(s).

Project Change

Contractor shall immediately notify the Area Board when any part of the contract becomes inoperative or requires change(s). Contractor may submit a written request to the Area Board for a change(s) in the project, but shall not implement any changes prior to written Area Board approval in accordance with this contract, state laws, federal laws, policies, and procedures including the approval of the Department of General Services if required. Such request shall include, but not be limited to, a complete justification and description of how the change(s) will affect the program as outlined in the contract and the intended outcomes. Area Board reserves the right to deny any such request for change(s). Under no circumstances can the budget changes exceed the total amount of the contract authorized by the Area Board.

Project Evaluation

Evaluation of the project shall be in accordance with procedures established by the Area Board.

L. RESTRICTIONS ON OUTSIDE EMPLOYMENT OF STATE EMPLOYEES

Current State Employees

No officer or employee in the state civil service or other appointed state official shall engage in any employment, activity, or enterprise from which the officer or employee receives compensation or in which the officer or employee has a financial interest and which is sponsored and/or funded by any state agency or department through or by a state contract unless the employment, activity, or enterprise is required as a condition of other officer's or employee's regular state employment. No officer or employee in the state civil service shall contract on his or her own individual behalf as an independent contractor with any state agency to provide services or goods. (Public Contract Code 10411)

Former State Employees

No retired, dismissed, separated, or formerly employed person of any state agency or department employed under the state civil service or otherwise

appointed to serve in state government may enter into a contract in which he or she is engaged in any of the negotiations, transactions, planning, arrangements, or any part of decision-making relevant to the contract while employed in any capacity by any state agency or department. The prohibition of this subdivision shall apply to a person only during the two-year period beginning on the date the person left state employment.

For a period of 12 months following the date of his or her retirement, dismissal, or separation from state service, no person employed under state civil service or otherwise appointed to serve in state government may enter into a contract with any state agency, if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her retirement, dismissal, or separation. The prohibition of this subdivision shall not apply to a contract requiring the person's services as an expert witness in a civil case or to a contract for the continuation of an attorney's services on a matter he or she was involved with prior to leaving state service. (Public Contract Code 10411)

Conflict with Present State Employees

A state officer or employee shall not engage in any employment, activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to his or her duties as a state officer or employee. (Government Code 19990)

M. GLOSSARY OF TERMS

Federal Definition of Developmental Disability – As specified in federal Public Law 100-146 means: a severe, chronic disability of a person that:

1. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
2. Is manifested before the person attains age twenty-two;
3. Is likely to continue indefinitely;
4. Results in substantial functional limitations in three or more of the following areas of major life activity: a) self-care, b) receptive and expressive language, c) learning, d) mobility, e) self-direction, f) capacity for independent living, and g) economic self-sufficiency; and
5. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong extended duration and are individually planned and coordinated.

[42 U.S.C.6001(5)]

State Definition of Developmental Disability – Unlike the much broader federal functional definition, the State of California provides services to persons with developmental disabilities under a more narrowly defined categorical definition. California Welfare and Institutions Code Section 4512 defines developmental disability as:

"a disability which originates before an individual attains age 18, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include mental retardation, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, but shall not include other handicapping conditions that are solely physical in nature."

The same Code Section defines substantial disability as "the existence of significant functional limitations in three or more of the following areas of major life activity, as determined by a regional center, and as appropriate to the age of the person: (1) Self-care; (2) Receptive and expressive language; (3) Learning; (4) Mobility (5) Self-direction; (6) Capacity for independent living; (7) Economic self-sufficiency. Any reassessment of substantial disability for purposes of continuing eligibility shall utilize the same criteria under which the individual was originally made eligible.

Fiscal Year 2011-12 – This period encompasses a 12-month federal funding period, beginning October 1, 2011 through September 30, 2012.

Measurable Outcomes – Those outcomes identified in the State Plan.

Federal Goals – A general statement of the intended project result, often taking the form of an impact measurement. A goal will not necessarily have dimensions of time or quantifiable outputs; rather, it is a description of what the organization hopes to accomplish through a particular project in order to positively affect persons with developmental disabilities and their families.

Per Diem rates – Lodging reimbursement ranges from \$84.00 to \$149.00 per night depending on the geographical area. Meal Reimbursement is: Dinner \$18.00, Lunch \$10.00, Breakfast \$6.00.

Innovative – The act or process of something new, new method, custom, creative, device, etc.; change in the way of doing things.

Replication – A program/project that the SCDD/Area Board previously funded through the Program Development Grant process. The previous grantee will work with other applicants in different geographical areas of the state.

Self-Determination Activities - The term “self-determination activities” means activities that result in individuals with developmental disabilities, with appropriate assistance, having—

(A) the ability and opportunity to communicate and make personal decisions;
(B) the ability and opportunity to communicate choices and exercise control over the type and intensity of services, supports, and other assistance the individuals receive;

(C) the authority to control resources to obtain needed services, supports, and other assistance;

(D) opportunities to participate in, and contribute to, their communities; and

(E) support, including financial support, to advocate for themselves and others, to develop leadership skills, through training in self-advocacy, to participate in coalitions, to educate policymakers, and to play a role in the development of public policies that affect individuals with developmental disabilities.

Schedule of Maximum Allowances - Consultants’ rates must conform to (1) the Schedule of Maximum Allowances for positions covered by that schedule; (2) comparable state civil service positions; or if the above are not applicable, (3) to the going rate for similar work outside state service. If Option 3 is applicable, the amounts to be paid consultants depend upon the complexity and difficulty of the projects, the ongoing rate for similar work, and the qualifications and reputation of the individual(s) or firm being awarded the contract. Proposals submitted must state the rate of compensation to be paid to consultants. Rates paid to consultants under Option 3 must have prior written approval from SCDD. The rate shall be an hourly rate with a ceiling on the total project or contract amount.

Catchment Area – The geographic area where services will be provided.

Inclusion – The term “inclusion”, used with respect to individuals with developmental disabilities, means the acceptance and encouragement of the presence/participation of individuals with developmental disabilities, by

individuals without disabilities, in social, educational, work, and community activities, that enables individuals with developmental disabilities to

- (A) have friendships and relationships with individuals and families of their own choice;
- (B) live in homes close to community resources, with regular contact with individuals without disabilities in their communities;
- (C) enjoy full access to and active participation in the same community activities and types of employment as individuals without disabilities; and
- (D) take full advantage of their integration into the same community resources as individuals without disabilities, living, learning, working, and enjoying life in regular contact with individuals without disabilities.

N. APPENDIX - Outcome Measures for Grant Cycle 34*

ALL Grantees will need to track the following information:

PERFORMANCE MEASURES

Reporting

Performance Measures also known as Indicators of Progress are developed by the Commissioner of the Administration on Developmental Disabilities. In order to monitor an entity that receives funds to carry out activities according to The Plan and/or the local Area Board Strategic Plan, the grantee must report on all the performance measures that are relevant and apply to the grant.

Additionally listed within this document are the Areas of Emphasis identified by the local Area Boards Strategic Plan and the Performance Measures which must be addressed as you complete your application for a program development fund grant.

Special note, not to appear in the final document but for explanation purposes only [Each of the Area Boards will receive a master document that will contain all of their unique Area Board Goals, Benchmarks and Strategies. Each Area board will choose from their Plan which areas they wish to request proposals.]

Once the Area Board determines which area(s) of emphasis they wish to pursue they will place them into their final document for public response.

Also note that each area of emphasis includes specific questions which will need response and must be included in the RFP.]

Below you will find an Area of Emphasis and the Performance Measures listed which Area Board request be addressed as you complete your application for a program development fund grant:

A. Child Care

1. Children in inclusive settings
2. Dollars leveraged for child care program
3. Child care programs/policies created/improved
4. People facilitated inclusive child care
5. People trained in child care

B. Cross-Cutting

1. Public policymakers educated by Council about issues related to Council initiatives
2. Number of discrete products created by Council and disseminated to policymakers and/or the general public
3. Members of the general public estimated to have been reached by Council public education, awareness

C. Community Supports

1. Individuals benefiting from formal/informal community supports
2. Dollars leveraged for formal/informal community supports
3. Programs/policies created/improved formal/informal community supports
4. People facilitated formal/informal community supports
5. People trained in formal/informal community supports
- *8. Building/public accommodations became accessible

D. Education and Early Intervention

1. Students have the education and supports to reach their goals
2. Infants and young children have services and supports needed to reach developmental goals

3. Students transitioned from school to community and jobs
4. Children transitioned from early intervention and pre-school to inclusive classrooms/schools
5. People on wait list receiving supports
6. Dollars leveraged for education
7. Education programs/policies created/improved
8. Post-secondary institutions improved inclusive education
9. Schools improved IEP practices
10. People facilitated inclusive education
11. People trained in inclusive education
12. Parents/guardians trained regarding child's educational rights

E. Employment

1. Adults have jobs of their choice
2. Dollars leveraged for employment
3. Employment provided vocational supports to students
4. Businesses/Employers that employed adults with developmental disabilities
5. Business/Employer programs/policies created/improved
6. People facilitated employment
7. People trained in employment

F. Health

1. People have needed health services
2. Dollars leveraged for health services
3. Health care programs/policies created/improved
4. People improved health services
5. People trained in health services

G. Housing

1. Individuals have homes of their choice
2. People moved from congregate settings to homes in the community
3. Dollars leveraged for housing
4. Banks made mortgages funds available to enable people to own housing
5. Housing programs/policies created/improved
6. Units affordable, accessible housing made available
7. People facilitated housing
8. People trained in housing

H. Recreational

1. People active in recreational activities
2. Dollars leveraged for recreational activities
3. Recreation programs/policies created/improved
4. People facilitated recreation
5. People trained in recreation

I. Transportation

1. People have transportation services for school, work, medical and personal needs
2. Dollars leveraged for transportation programs
3. Transportation programs/policies created/improved
4. People facilitated transportation
5. People trained in transportation

J. Quality Assurance

1. People benefiting from quality assurance
2. Dollars leveraged for quality assurance
3. Quality Assurance programs/policies created/improved
4. People facilitated quality assurance
5. People trained in quality assurance
6. People active in systems advocacy about quality assurance
 - a. Self-advocates
 - b. Family members
 - c. Other
7. People trained in systems advocacy about quality assurance
 - a. Self-advocates
 - b. Family members
 - c. Other
8. People trained in leadership, self-advocacy, and self determination
9. People attained membership on public and private bodies and other leadership coalitions
10. Number of entities participating in partnerships or coalitions created or sustained

Definitions:

“Dollars leveraged” means other (non-grant) funds that you are able to obtain to implement the project and/or provide similar services. It could be additional funding received during the time of the grant, or dollars that will continue the services after the end of the grant.

“People Trained” means those trained to achieve the desired outcome in the project area. Exactly what type of training this is depends on the category of the project and who is being trained. In the case of the consumer it might include skills training, and in the case of the provider it might include training in how to successfully include individuals with developmental disabilities. If the training is about the topic but not specific to achieving the final result (a job, a home, health care services, etc.) do NOT use “people trained” but instead use QA07: trained in systems advocacy.

Facilitated – as in “People facilitated inclusive child care.” Facilitate means to make easier or less difficult. People included in this measure would be people in various occupations and professions targeted by Councils to make it easier for people with disabilities to attain employment, housing, education, etc. For example, Councils worked within real estate systems to help people with developmental disabilities own their own homes. In this situation, people who “facilitated” would be real estate agents, mortgage bankers, etc.

‘Active in’ as in “People active in systems advocacy.” As this outcome implies there is a level of active involvement required. The Council needs some mechanism to measure “people active” in activities intended to change systems. For instance, activities might include legislative testimony, involvement on public policy committees, participation in public policy activities, budget testimony, etc.

Benefiting as in “People benefiting from quality assurance efforts of the Council.” The Council would be able to identify that an actual direct benefit has occurred to a specific number of individuals. For example, a Council helps to develop a state policy that allows state services funding to follow the person. The intent is to improve the quality of services. While the potential is for all people receiving services to benefit, the Council would need to report a number that can be officially verified. In some states, such data is provided through the state service system. It would not be appropriate for the Council to simply enumerate all people receiving services as having benefited.

Educated as in “Public policymakers educated by Council about issues related to Council initiatives.” Numbers recorded would be the result of specific “education” events. For example, perhaps the Council conducts an annual legislator training – an event to provide information about disability issues to state legislators. The number of legislators who attend could be counted in this

outcome measure. In another example, the Council sends out its newsletter to state legislators. It would not be appropriate to put this number in ‘policymakers educated’ because there is no way to know that the policymakers actually read it. This measure would, however, be applicable to ‘copies of products distributed to policymakers.’

In this outcome measure it should also be understood that policymakers are not limited to legislators. Policymakers could also include state and local people who are in positions to develop policy relative to disability issues.

*Council staff will work with the successful grantees to identify which outcome measures are used based on the specific project. Some projects may require additional measures. The Council reserves the right to modify or add outcome measures.

AGENDA ITEM DETAIL SHEET

ISSUE: Employment First Committee (EFC)

BACKGROUND: AB 287, authored by Assembly Member Beall, directed the Council to form the Employment First Committee (EFC). The Committee is tasked with developing recommendations and identifying specific things that will result in an increase in integrated employment opportunities. The Committee must submit a report with these recommendations and findings to the Governor and Legislature by July 1, 2011, and annually thereafter.

The EFC had a meeting on September 15, 2010, and the Council received an updated at the previous Council meeting. The Council will receive an update from the EFC meeting held on November 10, 2010.

ANALYSIS/DISCUSSION: N/A

COUNCIL STRATEGIC PLAN OBJECTIVE: Advance the rights and abilities of all Californians with developmental disabilities and their families to exercise self-advocacy and self-determination.

Shape public policy that positively impacts Californians with developmental disabilities and their families.

PRIOR EFC/COUNCIL ACTIVITY: The Council has been receiving updates regarding the EFC's activities.

RECOMMENDATION(S): None at this time.

ATTACHMENT(S): EFC Agenda for November 10 meeting.

PREPARED: Christofer Arroyo, November 1, 2010

EMPLOYMENT FIRST COMMITTEE AGENDA

DATE: Wednesday, November 10, 2010

TIME: 10:30 A.M. – 4:00 P.M.*

(*Ending Time for this meeting is an approximation only and is intended solely for the purpose of travel planning.)

PLACE: Hawthorn Suites Sacramento Hotel
321 Bercut Drive
Sacramento, CA 95811
916/441-1200

REMOTE TELECONFERENCE ACCESS LOCATION:

Developmental Disabilities Area Board 11
2000 E. Fourth Street, Suite 115
Santa Ana, CA 92705

Pursuant to Government Code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in the meeting, should contact Christofer Arroyo at 818/543-4631 or email at christofer.arroyo@scdd.ca.gov.

AGENDA

1.0 CALL TO ORDER (Chair Bailey)

1.1 ESTABLISHMENT OF A QUORUM

(Six member requirement for quorum)

2.0 WELCOME AND INTRODUCTIONS (Chair Bailey)

3.0 APPROVAL OF 9/15/10 MINUTES (Action Item) (Chair Bailey)

4.0 PUBLIC COMMENTS

Public Comments: [This section is for members of the public only; and is to provide the public an opportunity to comment and/or present information to the Committee on any matter that is not on the agenda. Each public member will be afforded up to three minutes to speak. Written requests, if any, will be considered first under this section. Additionally, the Committee will provide a public comment period not to exceed 5 minutes total for all public comments prior to Committee action on each agenda item.]

- 5.0 SUBCOMMITTEE REPORTS (Possible Action Item)** (Various)
 - 5.1 Barriers/Disincentives**
 - 5.2 Benefits**
 - 5.3 Employer Recruitment**
 - 5.4 Innovative Strategies**
 - 5.5 Transition**
 - 5.6 Subcommittee Next Steps**
- 6.0 EMPLOYMENT FIRST POLICY (Possible Action Item)** (Chair Bailey)
- 7.0 ROLES & RESPONSIBILITIES OF STATE & LOCAL AGENCIES RE: EMPLOYMENT OPPORTUNITIES FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES (Possible Action Item)**(Chair Bailey)
- 8.0 REVIEW & POSSIBLE UPDATE TO WORK PLAN (Possible Action Item)** (Chair Bailey)
- 9.0 LOGISTICS/MEETINGS (Action Item)** (Chair Bailey)
- 10.0 SUMMARIZE COMMITTEE NEXT STEPS (Possible Action Item)** (Chair Bailey)
- 11.0 ADJOURNMENT** (Chair Bailey)

AGENDA ITEM DETAIL SHEET

ISSUE: Legislative and Public Policy Committee (LPPC)

BACKGROUND: The LPPC is charged with reviewing and commenting on proposed legislation and/or regulations; recommending Council sponsored legislation, initiatives and/or policies consistent with Council responsibilities and objectives; and providing testimony and recommendations to the Legislature on fiscal and policy matters impacting people with developmental disabilities.

The Council will receive an update from the LPPC meeting that was held on October 5, 2010. Additionally, the LPPC is recommending Council action for two issues:

- 1) Oppose H.R. 1255
- 2) Approve a policy regarding public transportation

ANALYSIS/DISCUSSION:

- 1) H.R. 1255

At the August 2010 meeting, the LPPC reviewed H.R. 1255, entitled “To protect the interests of each resident of intermediate care facilities for the mentally retarded in class action lawsuits on behalf of such residents.” At that time, the LPPC took no action.

Additional information had become available for the October 5, 2010 LPPC meeting. This indicated that H.R. 1255 is unnecessary because there are already protections in place for guardians and parents of residents of large institutions for people with disabilities; H.R. 1255 curtails the ability of to stop systemic problems causing abuse and neglect; H.R. 1255 allows guardians and parents to have the final say, even if it is contrary to the preferences of the person with a disability, restricting their self-determination. Finally, H.R. 1255 allows members of class actions suits to “opt out” of cases seeking relief from allegations of abuse, neglect, and other related claims.

- 2) Approve a policy regarding public transportation

The Council directed the LPPC to develop policies pertaining to employment, housing, special education, and the Lanterman Act. The LPPC is submitting a policy regarding public transportation for the Council’s approval.

COUNCIL STRATEGIC PLAN OBJECTIVE: Advance the rights and abilities of all Californians with developmental disabilities and their families to exercise self-advocacy and self-determination.

Shape public policy that positively impacts Californians with developmental disabilities and their families.

PRIOR LPPC/COUNCIL ACTIVITY:

- 1) None on H. R. 1255
- 2) The Council has previously approved policies addressing special education, employment, and housing.

LPPC RECOMMENDATION(S):

- 1) Oppose H.R. 1255 and write a letter to appropriate congressional representatives.
- 2) Adopt the policy on public transportation.

ATTACHMENT(S):

1. H.R. 1255
2. An email from Tho Vinh Banh, Disability Rights California
3. National Disability Rights Network "Does an Individual Already Have the Pre-Existing Right to Opt Out of a Class Action Lawsuit?"
4. Position Letter from the Consortium for Citizens with Disabilities
5. Arc of Minnesota Action Alert
6. Proposed policy on public transportation

PREPARED: Christofer Arroyo, November 1, 2010

HR 1255 IH

111th CONGRESS

1st Session

H. R. 1255

To protect the interests of each resident of intermediate care facilities for the mentally retarded in class action lawsuits on behalf of such resident.

IN THE HOUSE OF REPRESENTATIVES**March 3, 2009**

Mr. FRANK of Massachusetts (for himself, Mr. MORAN of Virginia, Mr. POE of Texas, Mr. PAUL, Mr. COHEN, Mr. GOODLATTE, Mr. DREIER, Mr. DANIEL E. LUNGREN of California, Mr. KANJORSKI, and Ms. WASSERMAN SCHULTZ) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To protect the interests of each resident of intermediate care facilities for the mentally retarded in class action lawsuits on behalf of such resident.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROTECTING THE INTERESTS OF EACH RESIDENT OF INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED IN CLASS ACTION LAWSUITS ON BEHALF OF SUCH RESIDENT.

(a) In General- Notwithstanding any other provision of law, no entity that receives funds from the Federal Government may use such funds to file a class action lawsuit against an intermediate care facility for the mentally retarded on behalf of any resident of such facility unless the resident (or, if there is a legal representative of the resident, such legal representative), after receiving notice of the proposed class action lawsuit, has the opportunity to elect not to have the action apply to the resident.

(b) Notices; Resident Right of Withdrawal From Lawsuit-

(1) PLAINTIFF NOTICE OF PROPOSED LAWSUIT TO FACILITY- If an entity uses funds from the Federal Government to file a class action lawsuit against an intermediate care facility for the mentally retarded on behalf of residents of such facility, the entity shall provide notice of the proposed lawsuit to the facility at least 90 days before the date of filing of the lawsuit.

(2) FACILITY NOTICE OF PROPOSED LAWSUIT TO RESIDENTS- Not later than 30 days after the date the facility receives such notice, the facility shall provide notice of the proposed lawsuit to each resident of such facility on behalf of which the lawsuit is proposed to be filed and, if there is a legal representative of such a resident, to such representative.

(3) RESIDENT RIGHT TO WITHDRAW FROM LAWSUIT- A resident (or, if there is a legal representative of such a resident, the legal representative) may elect not to be part of such a proposed lawsuit by filing a notice of such decision with the facility within 60 days of the date the facility notifies the resident or legal representative of the proposed class lawsuit.

(c) Legal Representative Defined- In this section, the term 'legal representative' means, with respect to a resident of an intermediate care facility for the mentally retarded, an individual who has been appointed under State law to be a legal guardian, conservator, or other representative for the resident and who is authorized under law to make decisions on behalf of the resident with respect to care and treatment of the resident in the facility.

(d) Effective Date- This section shall apply to lawsuits filed after the date of the enactment of this Act.

END

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Arroyo, Christofer@SCDD

From: ThoVinh Banh [ThoVinh.Banh@disabilityrightsca.org]
Sent: Thursday, August 19, 2010 2:41 PM
To: conlap; lisamariecooley@aol.com; Marilyn Barraza; 'Ray Ceragioli'; Michael Bailey; Arroyo, Christofer@SCDD; Brett, Michael@SCDD; Rosenberg, Michael@SCDD; Smith, Rocio@SCDD; 'mmcpas@pacbell.net'; Leroy Shipp; Jorge_Aguilar@URSCorp.com; allenpeacedog@yahoo.com; Randi Knott
Cc: Catherine Blakemore; Newton, Roberta@SCDD
Subject: Re: Opposition of H.R. 1255
Attachments: Opt-Out-Right.pdf; CCD H.R.1255letter june 2010.doc

Hi Jorge, thanks again for holding in abeyance, our vote on H.R. 1255. I was able to obtain additional information about H.R. 1255 and wanted to share this with LPPC members. For all the following reasons below, I strongly urge that our committee take an "oppose" position:

- 1) The changes in H.R. 1255 are unnecessary as protections already exist for guardians and parents who want to ensure systemic legal advocacy has a positive effect on individuals with disabilities in institutions. For example, current Federal Rules of Civil Procedure provide guardians and family members with protections, or "voice", including appropriate notice, class certification requirements, the right to intervene, and a fairness hearing on the final outcome. In California, family groups have been allowed to intervene in each class action lawsuit brought to increase community placement options. In addition, family members have actively participated in fairness hearings.
- 2) Legal advocacy has been used in institutional settings to ensure adequate staffing levels are met, required therapies and services are provided, humane living conditions exist, the right of community integration is followed, and to stop abuse and neglect. Offenses continue to occur and most often in large institutional settings far from the eyes of the community. In California, we recently learned of abusive restraint practices at a private institution serving individuals with developmental and psychiatric disabilities. Enactment of legislation such as H.R. 1255 will jeopardize the well-being of thousands of individuals with disabilities by curtailing the ability to stop systemic problems causing abuse and neglect.
- 3) H.R. 1255 causes practical problems. If systemic advocacy leads to increased staffing or the end of the use of restraint and seclusion, would the individual be allowed to receive these added protections if their parent or guardian chose not to consent to this advocacy?
- 4) H.R. 1255 restricts the civil and human rights of individuals with developmental disabilities by allowing others to have the final say, even if it contradicts the individual's own desires. Both individual reports and studies show that people with all levels of disabilities and health conditions who choose to live in the

community have succeeded in living on their own or with family or friends. For example, a name Plaintiff in the Capitol People First case recently moved from a state institution to a supported living arrangement. He had lived in the institution for more than 50 years. He works a few hours per week, plays golf, goes bowling and plays cards. When he was asked about he felt about his new home he said, "I like it and I'm never going back to that hospital."

(5) Supporting H.R. 1255 will limit the options for enforcing the goals of the federal Developmental Disabilities Act which provides, in part, that the goals of the Nation include providing individuals with developmental disabilities with the ... support to ...live free of abuse, neglect, financial and sexual exploitation ... and achieve full integration and inclusion in society[see 42 U.S.C. sec. 15001(a)(16)(F)].

Additionally, I know there were discussions regarding "opting out." Please find attached, material produced by the National Disability Rights Network (NDRN) discussing this very issue. After reading this attachment, I think it gives additional reasons for why this committee should vote to oppose.

At the meeting, I mentioned that to take other than an "oppose" position, we would be out of steps with a large number of disability related organizations. I was not able to provide specific names and am happy to be able to do so here. The following organizations have already taken an "oppose" position. (Please see the attached letter by the Consortium for Citizens with Disabilities). Organizations opposing H.R. 1255 include:

American Music Therapy Association
American Association of People with Disabilities Association of University Centers on Disabilities Autism National Committee Autism Society of America Bazelon Center for Mental Health Law Brain Injury Association of America Burton Blatt Institute: Centers of Innovation on Disability Council on Parent Attorneys and Advocates, Inc.
Disability Rights Education and Defense Fund Easter Seals Epilepsy Foundation
Harris Family Center for Disability and Health Policy Mental Health America National Association of Councils on Developmental Disabilities National Disability Rights Network National Down Syndrome Congress National Organization of Social Security Claimants' Representatives National Rehabilitation Association National Spinal Cord Injury Association Self Advocates Becoming Empowered TASH The Arc of the United States United Cerebral Palsy United Spinal Association

Thanks.

Tho Vinh Banh
Staff Attorney

Disability Rights California
California's protection and advocacy system

SACRAMENTO REGIONAL OFFICE

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Mach 2010

Does an individual already have the pre-existing right to opt out of a class action lawsuit?

Answer - Under the Federal Rules of Civil Procedure (FRCP) it depends upon which type of class action is filed.

Detail - Rule 23 of the FRCP creates 3 types of class actions. The first, a (b) (1) class, is for when there exists a large number of separate lawsuits that would create the risk of inconsistent and varying outcomes or deciding one case would for all practical purposes dispose of the claims of other individuals not part of the suit. Class actions filed under (b) (1) are not common.

The second, a (b) (2) class action, as described under FRCP 23 (b) (2), is tailored to cases where ***injunctive relief is sought***. The rule references circumstances where the opposing party has acted "on grounds generally applicable to the class, thereby making appropriate ***final injunctive relief or corresponding declaratory relief with respect to the class as a whole***."

When the Protection and Advocacy (P&A) system files a class action to, for example, address abuse and neglect at a facility, unhealthy living conditions, insufficient staffing, inadequate health services, or a failure to promote community integration, it is almost always going to be filed under (b) (2).

The last type of class action, under FRCP 23(b) (3), is largely for damages. It is ***only*** the (b) (3) class action which contains a right of the class member to be excluded from the class. Compare FRCP 23 (c) (2) (A) with FRCP 23 (c) (2) (B) (v). The reason for this is to preserve that individual's damage claim, if s/he wishes for this to be so.

In sum, class members of class actions seeking injunctive relief do not already have an existing right to opt out.

That is not to say that those class members do not have other procedural protections. There are at least four types of protections already in existence to those class members:

- (1) In class actions filed under (b) (1) or (b) (2) for injunctive relief, the court "may direct appropriate notice to the class." See FRCP 23(c) (2) (A). This is not the same as a right to opt out, but it does provide notice to all class members of the filing of the class action.

- (2) Class members may intervene as parties in the class under FRCP 24.
- (3) The judge may make additional orders during the pendency of the litigation, including providing additional notice to class members or otherwise allowing them to signify if representation is fair and adequate. See FRCP 23 (d) (1) (B).
- (4) The court cannot allow a settlement, dismissal or compromise of the class action without a fairness hearing, with notice to all class members, and allowing class members to express their views on the proposed outcome.

Conclusion - H.R. 1255 breaks new and dangerous ground by allowing class representatives to opt out of cases seeking injunctive relief based on allegations of abuse and neglect and related claims filed by P&As. Judges should be permitted to look at the entire picture and craft injunctive relief that may be necessary to protect all people with disabilities in institutions.

No guardian, whether institutionally appointed or a family member, should have the individual right to prevent a federal judge from awarding complete relief, if this is necessary to address abuse and neglect at a facility, including unhealthy living conditions, insufficient staffing, inadequate health services or a failure to promote community integration.



June 14, 2010

The Honorable Barney Frank
United States House of Representatives
Washington, DC 20515

Dear Representative Frank:

The undersigned member organizations of the Consortium for Citizens with Disabilities (CCD), representing consumers with disabilities, family members, and professionals in the disability field, are writing today to demonstrate our strong opposition to H.R. 1255. As organizations, we cannot overstate the negative impact this legislation would have on the lives of individuals with developmental disabilities and their families.

Having a full range of appropriate remedies, including the use of a class action, has been a keystone to protecting the civil and legal rights of individuals with developmental disabilities in all facets of their lives, including community integration. The Developmental Disabilities Act of 2000 reaffirmed the authority of the Protection and Advocacy systems to use any and all legal remedies appropriate to ensure the protection of individuals with developmental disabilities, including class actions.

There is also a misconception that H.R. 1255, which breaks new and dangerous ground by allowing class representatives to opt out of cases seeking injunctive relief, is somehow a needed legislative change. However, current Federal Rules of Civil Procedure provide guardians and family members with a number of protections, or “voice”, including appropriate notice, class certification requirements, the right to intervene, and a fairness hearing on the final outcome.

A regrettable part of the history of people with developmental disabilities, particularly those with severe cognitive or intellectual disabilities, is that all too often the public and private systems designed to serve them have not served them well – even engaging in abusive and neglectful treatment of individuals. At the same time, families, guardians or representatives remain unaware of the situation, often relying on the abusers themselves to assure them that all is well.

The glaring example that exposed the horrendous abuse and neglect of people with developmental disabilities in institutional settings nationwide was the 1972 expose of the Willowbrook institution in New York. However, such offenses have continued to occur today, and most often in large and inappropriate institutional settings far from the eyes of the community. Just this month in Texas, it was discovered that staff that had been hired to care for the residents had been forcing them into “fight club” style battles.

Since 1972, many things have changed. Federal legislation was enacted that ensures children with disabilities access to a free, appropriate, public education. States, Congress, and the federal government have developed family support programs that allow families to have access to the supports they need for their children with disabilities to live in the community. All these changes have provided parents of a child with a disability with a much wider range of options than were available to parents in the 1950s and 1960s.

Enactment of legislation such as H.R. 1255 will jeopardize the well-being of thousands of individuals with disabilities by curtailing the ability to protect these individuals from systemic problems causing abuse and neglect, such as insufficient staff and lack of staff oversight in the Texas “fight club” example. By allowing those who would prefer to speak on behalf of individuals with developmental disabilities to have the final say, even when different than the individual’s own desires, this bill restricts the civil and human rights of individuals with developmental disabilities.

Protection and Advocacy systems must continue to have the broadest authority possible to pursue administrative, legal (including class actions), and/or other appropriate remedies or approaches to ensure the protection of the rights of people with developmental disabilities. This broad authority is critical to protect and advocate the rights of individuals with developmental disabilities and to insure the well-being of many thousands of individuals with developmental and other disabilities.

We would appreciate an opportunity to speak with you as soon as possible to discuss our very strong concerns with your re-introduced legislation. Please contact Kim Musheno (301-588-8252).

Sincerely,

American Music Therapy Association

Harris Family Center for Disability and Health Policy

American Association of People with Disabilities

Mental Health America

Association of University Centers on Disabilities

National Association of Councils on Developmental Disabilities

Autism National Committee

National Disability Rights Network

Autism Society of America

National Down Syndrome Congress

Bazelon Center for Mental Health Law

National Organization of Social Security Claimants’ Representatives

Brain Injury Association of America

National Rehabilitation Association

Burton Blatt Institute: Centers of Innovation on Disability

National Spinal Cord Injury Association

Council of Parent Attorneys and Advocates, Inc.

Self Advocates Becoming Empowered

Disability Rights Education and Defense Fund

TASH

Easter Seals

The Arc of the United States

Epilepsy Foundation

United Cerebral Palsy

United Spinal Association

The Arc of Minnesota Action Alert June 16, 2010



Urge Your U.S. Representative to Oppose H.R. 1255

Who to Contact:

- *Your member of Congress in the U.S. House of Representatives. Call the U.S. Capitol Switchboard at 202-224-3121, and ask for your U.S. House member.*
- *If you don't know who your representative is, go to: <http://www.gis.leg.mn/OpenLayers/districts/>*

What to Say:

- *"Please oppose H.R. 1255. The bill will make it much more difficult to take legal action that could benefit people with developmental disabilities."*

Background:

People with intellectual and other developmental disabilities have been able to make progress in living in the community because of legal actions taken on their behalf. One of the tools that has been used successfully is the class action lawsuit. The suits are often filed by a Protection and Advocacy (P & A) organization that exists in each state, and they have been used in a number of court cases decided in favor of people with developmental disabilities, including the Welsch decision in Minnesota. (This suit was filed in the 1970s by the Minnesota Disability Law Center [our state's P & A agency] and started the process of moving people with developmental disabilities out of institutions and into the community.)

Now that tool is in danger of being weakened. A bill introduced by Rep. Barney Frank, H.R. 1255, would create barriers for P & As to file class action lawsuits on behalf of individuals with developmental disabilities, by making it more difficult to file legal action against institutions.

Previous class actions brought by P&As against institutions have helped ensure proper staffing levels, ensure that required therapies and services are provided, stop abuse and neglect, and ensure the right of people with developmental disabilities to live in the community. The bill could jeopardize the well-being of thousands of individuals with disabilities by hampering the ability of the P&As to protect them from problems in the institutions that still exist in this nation.

This bill is strongly opposed by a number of disability advocacy groups, including The Arc of the U.S., the Minnesota Disability Law Center, and its national organization, the National Disability Rights Network. A leading organization supporting this bill is the Voice of the Retarded (VOR), a national organization that advocates for the continued existence and funding of institutions. So far, 75 House members have signed on to this bill, including Erik Paulsen of Minnesota's Third Congressional District. Urge your representative to oppose this bill. Let him/her know that it will harm people with developmental disabilities.



State Council on Developmental Disabilities

www.scdd.ca.gov • email • council@scdd.ca.gov

1507 21st Street, Suite 210
Sacramento, CA 95811



STATE OF CALIFORNIA
Arnold Schwarzenegger,
Governor

916.322.8481 Voice
916.443.4957 FAX
916.324.8420 TTY

POLICY 2010-04: ON PUBLIC TRANSPORTATION FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

Adopted 2010-XX-XX : Last Amended - N/A -

BACKGROUND:

The passage of the Americans with Disabilities Act (ADA) in 1990 recognized that people with disabilities have the same rights as other citizens to access services and facilities that are available to the public, including transportation. A good public transportation system is an essential foundation for people to lead independent lives, maintain employment, and access medical care, education, and other community services.

In 2004, an Executive Order (#13330) was issued which directed multiple federal departments and agencies to work together to ensure that transportation services are seamless, comprehensive, and accessible.

PRINCIPLES:

The State Council on Developmental Disabilities understands the key role that transportation can make for people with developmental disabilities to lead self-directed, productive, and satisfying lives. Moreover, the federally mandated State Plan of the Council includes goals to ensure Californians with developmental disabilities have access to transportation that enables full participation in all aspects of community life.

The State Council on Developmental Disabilities promotes opportunities and outcomes that maximize access to transportation by taking the following actions:

1. The Council supports efforts to ensure people with developmental disabilities are included on policy/governing bodies that advise and supervise transit agencies.
2. The Council supports the production and distribution of information on people with disabilities to policy/governing bodies.
3. The Council supports safe and accessible bus stops and safe accessible streets that specifically address the needs of persons with disabilities.
4. The Council supports transit bus fleet modernization, expanded automation of fare boxes, efforts to increase and improve service quality, and funding for accessible light

"The Council advocates, promotes & implements policies and practices that achieve self-determination, independence, productivity & inclusion in all aspects of community life for Californians with developmental disabilities and their families."

rail and commuter rail cars; accessible buses and taxis and any other public transportation.

5. The Council supports the development and expansion of rural public transportation systems.

6. The ADA currently ties together paratransit services to fixed bus routes. The Council supports the de-coupling of paratransit service from fixed route bus service.

7. The Council supports mobility management and transit travel training for people who need bus training to access the community and for transit ambassador programs by transit districts to reach out to the disability community.

8. When planning is occurring for the development and expansion of coordinated transportation projects within local areas, the Council supports increased involvement of human services agencies and consumers.

AGENDA ITEM DETAIL SHEET

ISSUE: Administrative Committee Report

BACKGROUND: The Administrative Committee is charged with monitoring the administrative and budgetary activities of the Council.

ANALYSIS/DISCUSSION: The Administrative Committee met on October 20, 2010.

COUNCIL STRATEGIC PLAN OBJECTIVE: Improve the SCDD organization and operations to effectively support the SCDD vision and mission and work collaboratively with other pertinent state agencies.

PRIOR COUNCIL ACTIVITY: The Administrative Committee meets between full Council meetings.

RECOMMENDATION(S): Information only.

ATTACHMENT(S): Draft October 20, 2010 Administrative Committee minutes.

PREPARED: Carol J. Risley, Executive Director

DRAFT
Administrative Committee Meeting
Minutes
October 20, 2010

Members Attending

Shirley Dove, Chairperson
Jennifer Allen
Lisa Cooley
Marcy Good
Bill Moore
Emily Matlack

Members Absent

Ted Martens
Dan Boomer

Others Attending

Carol Risley
Michael Rosenberg
Heidi Matlack
Mike Danti

- I. **Call To Order-** Shirley Dove, Chairperson called the meeting to order at 9:07 am.
- II. **Introductions-** Members and guests introduced themselves.
- III. **Establishment of Quorum-** Shirley Dove established that a quorum was present.
- IV. **Approval of August 23, 2010 Meeting Minutes-** It was moved, seconded (Cooley/Allen) and carried to accept the August 23, 2010 meeting minutes as presented. (1 abstention)
- V. **Public Comments-** There was no public comment.
- VI. **Council Budget and Expenditure Update-** Mike Danti reviewed the 2010-11 projected budget/expenditures for Council headquarters, noting both fixed and flexible costs. It was noted that because projected expenditures exceed available funding, cost reduction measures need to be employed. One item eliminated was errors and omissions insurance for board members as the Council has the legal authority to be self insured and there have been no claims on this insurance for the past 5 years. Cost savings is approximately \$61,000 annually. Other potential areas for cost reductions are in travel, particularly the use of least costly approaches (i.e. shuttles instead of taxis, etc.).

Shirley Dove raised the issue of timely payments to grantees and staff will explore and resolve the concern.

Shirley Dove, with the concurrence of the Committee, recommended that the role of the Administrative Committee be combined with the Executive Committee with administrative issues being a standing agenda item on the Executive Committee agenda. Staff was instructed to draft a proposed amendment to the Council bylaws for presentation at the next Council meeting.

- VII. **Status of Council Staffing-** Carol Risley reviewed the October 1, 2010 staff vacancy report, noting that headquarters has 8 vacancies and area boards, collectively have 5. Headquarters has freeze exemption request into the Governor's Office to fill two deputy and one clients' rights advocate positions; and is currently recruiting for an executive assistant and Legislative Specialist. Still to be recruited is an information technology position.
- VIII. **Other-** no other business was brought to the committee.
- IX. **Adjournment-** It was moved/seconded (Moore/Allen) and carried to adjourn the meeting at 10:00 am.

AGENDA ITEM DETAIL SHEET

ISSUE: Approval of the National Association of Councils on Developmental Disabilities (NACDD) Annual Membership Dues

BACKGROUND: The National Association of Councils on Developmental Disabilities (NACDD) is a member-driven organization consisting of 55 State and Territorial Councils. NACDD was established in 2002 and represents the diverse interests of its Council members.

ANALYSIS/DISCUSSION: Every year, NACDD asks each Council to pay annual dues. Currently each of the 55 State and Territorial Councils are paying annual dues. NACDD is requesting \$20,058. from SCDD for 2011. Other benefits we receive from NACDD include:

- NACDD represents Councils issues to the Administration on Developmental Disabilities.
- NACDD participates with more than 100 other disability related organizations in the Consortium for Citizens with Disabilities.
- NACDD sponsors Technical Assistance Forums for staff and members.
- NACDD sponsors support for Council directors.

Finally, in order for our Council to be a major player on the national scene, we need to be a part of NACDD.

COUNCIL STRATEGIC PLAN OBJECTIVE: The Council will use community education and awareness to shape public policy that positively impacts Californians with developmental disabilities and their families.

CC1.1 By September 30, 2011, one million Californians will be educated on the abilities and strengths of individuals with developmental disabilities.

PRIOR COUNCIL ACTIVITY: The Council approved the membership dues annually.

RECOMMENDATION(S): Staff recommends the Council pay the annual dues of \$20,058. to NACDD for 2011.

ATTACHMENT(S): None

PREPARED: Kristie Allensworth, Associate Governmental Program Analyst

2010-11 EXPENDITURE REPORT

4100 State Council on Developmental Disabilities
 2010-11 Expenditure Report
 July 1, 2010 thru September 30, 2010 (3 Months or 25% of the Fiscal Year)
 (Whole Dollars)

	Personal Services			Operating Expenses and Equipment			Total Expenditures		
	Budgeted	Year-to-Date Expended	Percentage Expended	Budgeted	Year-to-Date Expended *	Percentage Expended	Budgeted	Year-to-Date Expended	Percentage Expended
Council Operations and Administration **	\$1,607,285	\$248,357	15.45%	\$927,785	\$0	0.00%	\$2,535,070	\$248,357	9.80%
Community Program Development Grants **	\$0	\$0	0.00%	\$1,000,000	\$0	0.00%	\$1,000,000	\$0	0.00%
Area Board 1	\$307,854	\$75,112	24.40%	\$121,246	\$0	0.00%	\$429,100	\$75,112	17.50%
Area Board 2	\$237,360	\$58,589	24.68%	\$59,694	\$0	0.00%	\$297,054	\$58,589	19.72%
Area Board 3	\$407,081	\$122,716	30.15%	\$169,105	\$0	0.00%	\$576,186	\$122,716	21.30%
Area Board 4	\$372,860	\$105,906	28.40%	\$144,718	\$0	0.00%	\$517,578	\$105,906	20.46%
Area Board 5	\$400,676	\$97,917	24.44%	\$191,306	\$0	0.00%	\$591,982	\$97,917	16.54%
Area Board 6	\$315,757	\$79,410	25.15%	\$140,361	\$0	0.00%	\$456,118	\$79,410	17.41%
Area Board 7	\$398,062	\$98,046	24.63%	\$181,660	\$0	0.00%	\$579,722	\$98,046	16.91%
Area Board 8	\$536,438	\$104,132	19.41%	\$238,902	\$0	0.00%	\$775,340	\$104,132	13.43%
Area Board 9	\$220,385	\$51,804	23.51%	\$96,066	\$0	0.00%	\$316,451	\$51,804	16.37%
Area Board 10	\$766,548	\$193,760	25.28%	\$418,861	\$0	0.00%	\$1,185,409	\$193,760	16.35%
Area Board 11	\$428,842	\$102,020	23.79%	\$151,086	\$0	0.00%	\$579,928	\$102,020	17.59%
Area Board 12	\$453,959	\$96,501	21.26%	\$176,434	\$0	0.00%	\$630,393	\$96,501	15.31%
Area Board 13	\$360,819	\$87,904	24.36%	\$199,670	\$0	0.00%	\$560,489	\$87,904	15.68%
Area Board Operations	\$386,580	\$22,521	5.83%	\$103,600	\$0	0.00%	\$490,180	\$22,521	4.59%
Subtotal, All Area Boards	\$5,593,221	\$1,296,338	23.18%	\$2,392,709	\$0	0.00%	\$7,985,930	\$1,296,338	16.23%
Total	\$7,200,506	\$1,544,695	21.45%	\$4,320,494	\$0	0.00%	\$11,521,000	\$1,544,695	13.41%

* Expenditures may reflect a lag in postings to CalSTARS Accounting Reports.

** OE&E year-to-date expenditures include encumbrances for the full year costs of contracts.

4100 - State Council on Developmental Disabilities
2010-11 Line Item Budget for Headquarters (\$1,792,000.00)

DESCRIPTION	BUDGET	FIXED COSTS
A. PERSONAL SERVICES		
Net Salary and Wages	\$1,247,350	\$1,247,350
Temporary Help / Honorarium	\$66,000	\$66,000
Overtime	\$12,500	\$12,500
Staff Benefits	\$458,359	\$458,359
Subtotal	\$1,784,209	\$1,784,209
Program 40	-\$176,924	-\$176,924
TOTAL PERSONAL SERVICES (Program 10)	\$1,607,285	\$1,607,285
B. OPERATING EXPENSES & EQUIPMENT (OE&E)		
General Expense (misc. office supplies, meetings, minor equipment)	\$12,000	
Printing (photocopy paper, printed forms, fax supplies)	\$3,000	
Communications (telephone, cellular phones, long distance calls)	\$56,000	
Postage (postage, postage meter, stamped envelopes)	\$10,000	
Insurance (Special Liability Insurance Policy - SLIP)	\$0	
Travel (In-State) (air fare, per diem, rental car, taxi, mileage)	\$100,000	
Travel (Out-of-State) (same as above, but with out-of state destination)	\$18,000	
Training (tuition, registration fees, goods, services)	\$1,000	
Facility Operations (rent, security, maintenance, facility planning)	\$82,500	\$82,500
Utilities (electric, natural gas, other)	\$0	
Consultant & Professional Services:		
Interdepartmental (contracts with other State agencies)	\$55,000	\$55,000
External (contracts with outside vendors)	\$7,000	
Data Processing (software, hardware, data lines, internet)	\$10,000	\$10,000
Central Administrative Services (SWCAP, Pro Rata)	\$25,000	\$25,000
Equipment (Major) (personal computers, copiers, w/ cost over \$5k)	\$0	
Other Items of Expense (not otherwise classified goods and services)	\$0	
TOTAL OPERATING EXPENSES & EQUIPMENT	\$379,500	\$172,500
TOTAL BUDGET	\$1,986,785	\$1,779,785

AGENDA ITEM DETAIL SHEET

ISSUE: Executive Committee Report

BACKGROUND: The Executive committee is charged with, among other things, (1) acting on behalf of the Council between meetings, but shall not modify any action taken by the Council unless authorized by the Council to do so; (2) making recommendations to the Council regarding approval of Community Program Development Grants (CPDG) projects to be funded, and allocations; (3) making recommendations to the Council regarding amendments to the By-laws, changes in committee structure or responsibilities; (4) making recommendations to the Council regarding matters assigned by the Council or the Council Chairperson; (5) monitoring and evaluating State Plan implementation and submitting findings to the Council; and (6) taking action on all requests for Conflict of Interest Policy exceptions and make all determinations whether a conflict of interest exists.

ANALYSIS/DISCUSSION: The Executive Committee met on October 20, 2010.

COUNCIL STRATEGIC PLAN OBJECTIVE: Improve the SCDD organization and operations to effectively support the SCDD vision and mission and work collaboratively with other pertinent state agencies.

PRIOR COUNCIL ACTIVITY: The Executive Committee meets between full Council meetings.

RECOMMENDATION(S): Information only.

ATTACHMENT(S): Draft October 20, 2010 Executive Committee minutes.

PREPARED: Carol J. Risley, Executive Director

DRAFT
Executive Committee Meeting
Minutes
October 20, 2010

Members Attending

Marcy Good, Chairperson
Jennifer Allen
Leroy Shipp
Olivia Raynor
Lisa Cooley
Shirley Dove
Michael Bailey

Members Absent

Jorge Aguliar
Ray Cergiloi

Others Attending

Carol Risley
Michael Rosenberg
Roberta Newton
Margaret Shipp
Melissa Corral

- I. **Call To Order-** Marcy Good, Chairperson called the meeting to order at 2:00 pm.
- II. **Introductions-** Members and guests introduced themselves.
- III. **Establishment of Quorum-** Marcy Good established that a quorum was present.
- IV. **Approval of August 23, 2010 Meeting Minutes-** It was moved, seconded (Dove/ Bailey) and carried to accept the August 23, 2010 meeting minutes as presented.
- V. **Public Comments-** There was no public comment. Olivia Raynor and Roberta Newton reported on the Assembly Select Committee on Workforce Development on Developmental Disabilities' hearing held earlier in the day, noting that the primary focus was on development of the workforce to provide services to people with developmental disabilities (pay and quality), cultural competence and workforce data. Assemblymember Ammiano expressed a desire to work closely with the council on work related issues.

Shirley Dove reported that Senator Pavley was the only member to vote no on Senate Bill 83 which enacted an additional 1.25% payment reduction for most providers and regional center operations during 2010-11.

VI. Legislative and Policy Committee

A. **Proposed Social Security Administration Federal Regulations on Medical Criteria for Evaluating Mental Disorders-** Roberta Newton reviewed the draft comments to the Social Security Administration on the proposed regulations designed to broaden eligibility criteria. Following discussion of the draft, it was moved/seconded (Dove/Bailey) and carried to approve the draft comments for submittal to the Social Security Administration with copies to all Council members.

B. **Legislative Hearing on State Audit Report-** Marcy Good has been invited to testify on November 4, 2010 before a joint legislative hearing on the recent State Auditor report addressing regional centers. Marcy has been specifically requested to bring a parent/family member perspective. Discussion ensued regarding the points the Committee would like Marcy to address, as follows:

- Lack of consumer/family input in the audit process;
- Need for regional center transparency;
- DDS needs to assume more oversight/control and accountability for regional center actions;
- How business practices of regional centers impact consumer choice (or lack thereof);
- Lack of real information about options;
- Lack of flexibility;
- Service coordination values not matched to consumer/family values; and
- Cost effective does not mean cheapest, must consider long-term impact and agree upon a definition

VII. Program Development Committee

A. **Proposed Grant Process and Timeline-** Lisa Cooley reviewed the proposed process for distribution of program development grant funds, noting the major change is that with overall Council guidance, local area boards will conduct the actual solicitation and review of applications and each will have an allotment of funds to work within for this process. Discussion ensued with a request to add a question to the application process to determine if the applicant has submitted the same proposal

to more than one area board. Following discussion, it was moved/seconded (Cooley/Bailey) and carried to approve the process as amended.

B. Proposed Allocation of Grant funds- Lisa Cooley reported that the Program Developmental Committee proposes that each area board receive a \$60,000 allocation of grant funds with which to implement the new grant application process. Discussion ensued regarding the concept of holding back some funds for statewide projects and the impact upon available funds when considering other obligations for the same monies. Because of the budget questions, it was decided to delay action on the allocations until a later date.

VIII. Requests for Regional Center Board Waivers- Melissa Corral presented requests from Regional Center of the East Bay/Area Board 5 for Steven Whitgob, Far Northern Regional Center/Area Board 2 for Dorothy Lindauer, and Redwood Coast Regional Center/Area Board 1 for Beverly Fontaine to grant conflict of interest waivers. Melissa noted that the information from East Bay/Area Board 5 was not sufficient to evaluate the request and discussion ensued regarding whether the Council should even be evaluating these requests considering they have already passed through the local Council office (area board). Melissa reminded the Committee that the regulations currently require both the area board and Council to review and act on the requests; however the regulations were established prior to the consolidation of the Council and area boards. It was moved/seconded (Shipp/Dove) and carried to concur with the Area Boards' recommendations to grant the waivers. Staff was directed to review the regulations and develop proposed amendments that would only require the local area board to review and act on waiver requests.

IX. Nominating Committee Report- Shirley Dove discussed the Council leadership situation, noting that with new members, losing members and the commitment of members to other responsibilities, she believes it would be wise to maintain the current leadership for a while longer to increase stability during the current transition. Carol Risley also discussed the need for stability and the level of commitment needed to be in a leadership position. Shirley noted that the committee will convene and present a slate at the November meeting.

- X. **State Strategic Plan Update-** Olivia Raynor and Michal Rosenberg briefly discussed the plan for upcoming public hearings on the proposed state strategic plan, noting that Committee and Council members need to be in attendance and participate in the public review process.
- XI. **Administrative Committee Report-** Shirley Dove noted that the Committee reviewed the anticipated Council expenditures for 2010-11, noting that we need to make some reductions in order to live within the available funds. She also discussed the delay in payments to grantees and staff is addressing the issue. Finally, the Committee recommends that its work be folded into the Executive Committee with administrative issues being a standing agenda item. Staff will prepare a proposed bylaw amendment to make this change.
- XII. **Chairperson's Report-** Marcy Good briefly talked about the National Association of Councils on Developmental Disabilities' meeting in Orlando and our ability to meet independently with the new Administration on Developmental Disabilities Commissioner, Sharon Lewis.
- XIII. **Council Agenda for November 2010-** Proposed agenda items include an update on the State Strategic Plan and public hearing process, nominating committee report, election of officers, proposed bylaw changes, grant process, Governor-Elect briefing paper, and possible presentation on the new health insurance provisions for the business meeting, and then a governance training session on the second day of the meeting.

With regard to the briefing paper for the Governor-Elect, Carol Risley reviewed the input received from Council members, area boards and area board strategic plans related to items to be discussed in the paper. It was recommended that we include guiding principles and discuss the federal partnership between the Council, UCEDDs and Disability Rights California. A draft of the briefing paper will be discussed at the Council meeting in November.

- XIV. **Adjournment-** It was moved/seconded (Dove/Shipp) and carried to adjourn the meeting at 4:15 pm.

AGENDA ITEM DETAIL SHEET

ISSUE: Bylaws amendments

BACKGROUND: The Administrative Committee and Executive Committee of the Council met separately on October 20, 2010. After both committees noted the duplicative nature of certain agenda items as well as the cost and time commitment of holding two separate meetings, it was recommended that the Executive Committee take on the administrative function and remove the bylaws requirement for a separate Administrative Committee.

Also, the by action of the Strategic Planning Committee, the two California plans have been merged into one plan named the ***California State Strategic Plan on Developmental Disabilities***. This merger will eliminate the duplication in both documents and make the document more accessible to readers.

ANALYSIS/DISCUSSION: An Administrative Committee is not required by law. In addition, the Executive Committee, as it is a delegated authority committee, is well equipped to review and make appropriate recommendations to the Council regarding all high level administrative issues. In addition, this change will make the committee structure more organized since it will eliminate duplication and centralize information.

By merging the Strategic and State plans, the Council eliminates duplication in both plans and ensures that all of the information is presented in an accessible, easier to read format.

COUNCIL STRATEGIC PLAN OBJECTIVE: CC1.1

PRIOR COUNCIL ACTIVITY: The Executive, Administrative and Strategic Planning Committees took action during their respective meetings that support these proposed changes in the bylaws

RECOMMENDATION(S): Staff recommends that the Council adopt the proposed bylaws changes.

ATTACHMENTS(S): Proposed bylaws changes.

PREPARED: Melissa C. Corral, October 26, 2010

State Council on Developmental Disabilities



PROPOSED AMENDMENTS

BY-LAWS

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CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

BY-LAWS

(Revised – June 2010)

ARTICLE I. NAME & DEFINITIONS

The name of this organization shall be the State Council on Developmental Disabilities.

ARTICLE II. RESPONSIBILITIES

The responsibilities of the State Council on Developmental Disabilities shall be as set forth in 42 United States Code Section 51001 et. seq. and Sections 4433.5 and 4520 et. seq. of the California Welfare and Institutions Code.

ARTICLE III. PRINCIPAL OFFICE

The principal office of the Council shall be located in the County of Sacramento, California. The Council may change the principal office from one location to another within the county.

ARTICLE IV. AREA OF SERVICE

The area of service shall be the State of California.

ARTICLE V. MEMBERSHIP

Appointment to the Council requires each member to fully discharge his/her duties consistent with the responsibilities of representing persons with developmental disabilities. The membership of the Council shall consist of the categories of people in accordance with state and federal law.

SECTION 1. Appointments:

Pursuant to Division 4.5, Chapter 2, Article 1, Section 4521 (b)(1), (2), and (3) of the Welfare and Institutions Code, there shall be thirty-one (31) voting members on the Council appointed by the Governor, as follows:

- (a) Twenty (20) members of the Council shall be persons with a developmental disability or parents, siblings, guardians or conservators of these persons. In these By-laws these persons are referred to as consumer members. Of the 20 members, thirteen (13) shall each be current members of the 13 Area Boards, one member from each board and representing consumers and families in their local catchment area; and, seven (7) shall be members at large that are comprised as follow: three (3) persons with developmental disabilities; one (1) person who is a parent, immediate relative, guardian, or conservator of a resident in a developmental center; one (1) person who is a parent, immediate relative, guardian, or conservator of a person with a developmental disability living in the community; one (1) person who is a parent, immediate relative, guardian, or conservator of a person with a developmental disability living in the community nominated by the Speaker of the Assembly; and, one (1) person with a developmental disabilities nominated by the Senate Committee on Rules.
- (b) Eleven (11) members of the Council shall include: directors or members, as

appropriate, of State departments or agencies or of local agencies as prescribed in state and federal laws. These persons are referred to as agency representatives in these By-laws and shall include three (3) members appointed to represent the University Centers for Excellence (UCE) programs funded by the Administration on Developmental Disabilities as the three California UCEs.

- (c) Prior to appointing the thirty-one (31) members, the Governor shall request and consider recommendations from organizations representing or providing services, or both, to persons with developmental disabilities and shall take into account socioeconomic, ethnic, and geographic considerations of the state. The Council may, at the request of the Governor, coordinate Council and public input to the extent feasible to the Governor regarding recommendations for membership.

SECTION 2. Term of Office:

The term of office on the State Council shall be in accordance with state law. The term of each consumer member shall be for three years. In no event shall any consumer member serve for more than a total of six years.

SECTION 3. Conflict of Interest:

Pursuant to California Welfare and Institution Code Section 4525 the Council's approved Conflict of Interest Policy, is incorporated by reference into these By-laws.

SECTION 4. Vacancies:

A vacancy on the Council exists if any of the following events occur before the expiration of the term:

- (a) The death of the member.
- (b) An adjudication pursuant to a legal proceeding declaring that the member is physically or mentally incapacitated due to disease, illness, accident, or other condition, and that there is reasonable cause to believe that the member will not be able to perform the duties of office for the remainder of his/her term.
- (c) The member's resignation.
- (d) The member's removal from office.
- (e) The member's ceasing to be a legal resident of the state or the area the member was appointed to represent.
- (f) The member's absence from the state without the permission required by law beyond the period allowed by law.
- (g) The member's ceasing to discharge the duties of his/her office for the period of three consecutive meetings, except when prevented by sickness, or when absent from the state with the permission required by law. After three (3) consecutive unexcused absences, a member shall be considered as having ceased to discharge the duties of Council membership. An unexcused absence is an absence of a member when previous notice of absence has not been given to the Council Chair or Committee Chair and to the Executive Director by telephone,

email, or mail.

- (h) The member's conviction of a felony or any offense involving a violation of his/her official duties. A member shall be deemed to have been convicted under this section when trial court judgment is entered.
- (i) The member's refusal or neglect to file his/her required oath or declaration of conflict of interest within the time prescribed.
- (j) The decision of a competent tribunal declaring void the member's election or appointment.
- (k) The making of a vacating order or declaration of vacancy.
- (l) The member assumes a position or responsibility that violates the Council's conflict of interest policy.

The Governor shall be notified when a vacancy occurs and shall appoint a person to serve the unexpired term of the member being replaced.

SECTION 5. Resignations:

Members shall serve a designated term unless they resign, or are otherwise disqualified to serve, or until successors have been appointed. Any member may resign at any time by giving written notice to the Chairperson and to the Executive Director. Such resignation shall take effect on the date of receipt of such notice or any later time specified therein; and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

SECTION 6. Compensation and Expenses:

Consumer members of the State Council shall receive honoraria pursuant to Government Code 11564.5, and Welfare and Institution Code Section 4550 not to exceed fifty (50) days in any fiscal year. All members shall be reimbursed for any authorized actual and necessary expenses incurred in connection with the performance of their duties as Council members, in accordance with state regulations in the State Administrative Manual.

ARTICLE VI. MEETINGS

SECTION 1. Parliamentary Authority:

- (a) All meetings of the Council and its committees are public meetings governed by the Bagley-Keene Open Meeting Act (Government Code Section 11120, et. seq.).
- (b) Robert's Rules of Order shall be utilized as the rules for all Council and committee meetings except in instances of conflict with these By-laws, or provisions of State or federal law or regulations. The Vice-Chairperson shall serve as Parliamentarian.
- (c) The Council may adopt, from time-to-time, such policies and rules for the conduct of its meetings and affairs as may be required.

SECTION 2. Meetings:

- (a) There shall be no less than six (6) and no more than twelve (12) meetings of the Council per year.
- (b) Special meetings of the Council may be called by the Chairperson or, in case of absence or inability to act by the Chairperson, by the Vice-Chairperson. In case of a refusal to act by the Chairperson, a special meeting may be called by written request of nine (9) members of the Council. Only matters specified in the written notice of the meeting shall be considered at such a meeting.
- (c) Regular or special meetings of the Council shall be held at a place, date, and time designated by the Council or selected by the Chairperson.

SECTION 3. Quorum:

- (a) A quorum for the Council shall be a simple majority of the Governor appointed members.
- (b) A quorum for each Council committee and sub-committee shall be a simple majority of the appointed members of that committee.

SECTION 4. Voting Rights of Members:

- (a) Each member shall be entitled to one vote, to be exercised in person. Proxy voting shall not be permitted.
- (b) Except as otherwise specifically provided in State law or these By-laws, all matters submitted for determination shall be decided by a majority vote.

SECTION 5. Chairperson Pro Tem:

If neither the Chairperson nor Vice-Chairperson is present to preside at a Council meeting, a chairperson pro tem shall be elected by the majority vote of the Council members present.

ARTICLE VII. OFFICERS**SECTION 1. Officers:**

The officers of the Council shall be a chairperson and a vice - chairperson elected from among the consumer members. These officers shall perform the duties described in these By-laws.

SECTION 2. Election of Member Officers:

Election of officers shall occur once every two years. The election shall be held during the last meeting of the appropriate calendar year. Only consumer members shall be eligible to hold office.

SECTION 3. Voting Procedure:

Council officers shall be elected by a majority vote. Recommendations for officers shall be in

the form of nominations from the Nominating Committee. However, nominations may also be received from the floor prior to the election, but subsequent to the report of the Nominating Committee.

SECTION 4. Term of Office:

The Chairperson and Vice-Chairperson shall be elected for a term of two years. Individuals may be elected to these positions for no more than two consecutive terms. Their term of office shall begin the first day of the new calendar year.

SECTION 5. Vacancies:

If the Chairperson resigns or is permanently unable to serve during the term of office pursuant to Article V Section 4, the Vice-Chairperson shall become the Chairperson for the remainder of such term. Nominations and elections to fill the newly-vacated Vice-Chairperson position shall occur at the next noticed meeting of the Council. If the Vice-Chairperson resigns or is permanently unable to serve during the term of office, nominations and elections to fill the newly-vacated position shall occur at the next noticed meeting of the Council. The Chairperson shall appoint a Vice-Chairperson to serve until an election is conducted. The person so elected shall serve for the remainder of that term.

SECTION 6. Duties of the Officers:

- (a) Chairperson - The responsibilities of the Chairperson are: to preside at all meetings of the Council; to appoint chairpersons and members to all Council committees, except the Nominating Committees, to appoint Council representatives in relation to other agencies and consumer groups; and to represent the Council as needed. The Chairperson shall have full voting rights on all Council actions.
- (b) Vice-Chair - The responsibilities of the Vice-Chairperson are to perform all the duties of the Chairperson if the Chairperson is absent or if the Chairperson requests the Vice-Chairperson to do so. When acting in the capacity of the Chairperson, the Vice-Chairperson has the same authority as the Chairperson. The Vice-Chairperson also, serves as Chair of the Executive Committee and as Parliamentarian.

SECTION 7. Removal from Office:

Action to remove a member officer shall be in accordance with the following procedure:

- (a) Written notification must be submitted by registered mail to the Executive Director from Council member(s) describing the specific cause for which removal is sought.
- (b) The Executive Director shall notify the member officer charged by registered mail within two (2) working days of receiving the charges. Any member so notified shall have ten (10) days to respond to the group or individual responsible for notification. Following this ten (10) day period, the responsible parties shall notify the Executive Director within ten (10) days as to whether or not they wish to

request removal of the officer. If the responsible parties are satisfied by the officer's response that no sufficient cause exists, the matter will be closed with written notice to the Executive Director and to the officer.

- (c) If the group or individual requesting removal is not satisfied by the response of the officer or if the officer fails to respond in ten (10) days, the Executive Director shall put the issue on the agenda at the beginning of the next Council meeting and inform the Council members as to the purpose of the agenda item.
- (d) Written charges shall be distributed and reviewed at the specified meeting of the Council.
- (e) A majority vote shall be required to remove a chairperson or vice-chairperson from office. If removal of the Chairperson is under consideration, the vice-chairperson shall preside.

ARTICLE VIII. EXECUTIVE DIRECTOR

SECTION 1. Appointment:

- (a) The Executive Director of the Council shall be appointed by and serve at the will of the Council in a position exempt from all civil service requirements pursuant to the California Constitution, Article 7, section 4(b) and Welfare and Institutions Code Section 4551(a)(2). The appointment of the Executive Director shall occur during a regular or special meeting of the Council.
- (b) A performance review of the Council Executive Director shall be coordinated by the Executive Committee and conducted annually by the full Council.

SECTION 2. Responsibilities and Duties:

- (a) The Council Executive Director shall be the chief administrative officer of the Council and shall have all the authority and responsibility assigned to the director of a state agency including budget, personnel, and contractual transactions. These include authority for entering into and execution of agreements on behalf of the Council in order to implement the policies of the Council.
- (b) The Council Executive Director shall be under the direction and control of the Council and shall do and perform such other duties as may be assigned by the Council.
- (c) The Council Executive Director shall serve as clerk to the Council.

SECTION 3. Removal:

- (a) Action to remove the Executive Director of the Council shall be conducted in accordance with applicable Open Meeting Laws governing personnel matters pursuant to Government Code Section 11120, et. seq.

- (b) The Executive Committee of the Council may recommend removal of the Executive Director during a regular or special meeting. This recommendation shall be taken to the Council during a regular or special meeting for discussion and action.
- (c) A majority vote, during a regular or special Council meeting, shall be required to remove the Executive Director from his or her exempt appointment.

ARTICLE IX. COMMITTEES

SECTION 1. Authority:

- (a) Subject to the provision of these By-laws, all committees, with the exception of the Executive Committee, shall be advisory and shall not have the power to bind the Council except when specifically authorized by the Council to do so. Recommendations made by advisory committees shall be presented to the Council for adoption in the form of a motion.
- (b) Subject to provision of these By-laws, a vacancy in the membership of a committee, except the Nominating Committee, may be filled by the Council Chairperson.
- (c) A committee may meet upon call of the chairperson of the committee or the Council Chairperson.
- (d) Unless otherwise specified in these By-laws, the Chairperson and the Executive Director of the Council shall serve ex officio, without vote, on all committees, except the Nominating Committee.
- (e) A committee member may be removed from the committee by the Council Chair after three (3) consecutive unexcused absences. An unexcused absence is an absence of a member when previous notice of absence has not been given to the Committee Chair or Executive Director or appropriate Deputy Director by telephone, e-mail or mail.

SECTION 2. Standing Committees:

- (a) There shall be ~~four (4)~~ **three (3)** standing committees of the State Council:
 - (1) Executive Committee
 - ~~(2) Administrative Committee~~
 - (3) Legislative and Public Policy Committee
 - (4) Program Development Committee
- (b) The chairperson and members of each of the standing committees shall be appointed by the Council chairperson. In the event of a vacancy for any reason in membership or the chair, a successor may be appointed by the Council

Chairperson. In appointing standing committee chairpersons, the Council Chairperson may request volunteers from the Council's consumer members. All committee chairperson appointments shall be announced to the Council at the next available Council meeting.

- (c) The membership of all standing committees, except the Executive Committee, shall be open to non-members of the Council. The expenses of non-Council members may be reimbursed on the same basis as a Council member with the exception of the honorarium.
- (d) All members of the Council shall be expected to serve on at least one standing committee of the Council.
- (e) The charge of each of these committees shall be as follows:

(1) Executive Committee

The Executive Committee shall serve as the coordinating body to the Council. The Committee shall:

- [a] Consist of the Council Chairperson, Vice-Chairperson , chairperson of the Legislative and Public Policy Committee, ~~chairperson of the Administrative Committee~~, chairperson of the Program Development Committee, chairperson of the Strategic Planning Subcommittee and four (4) other Council members, at least two (2) of whom shall be consumer members.
- [b] Be chaired by the Council Vice-Chairperson.
- [c] Act on behalf of the Council between meetings, but shall not modify any action taken by the Council unless authorized by the Council to do so. The full Council at the next regular or special meeting shall receive a report of all Executive Committee actions taken between Council meetings and ratify as necessary.
- [d] Administrative matters shall be a standing agenda item at every meeting and shall include but not be limited to, budget reports, expenditure reports and other major administrative issues.
- [d] Make recommendations to the Council regarding approval of Community Program Development Grants (CPDG) projects to be funded, and allocations.
- [e] Appoint members of CPDG Grant Review team.
- [f] Provide direction to the Executive Director regarding the

administration of Council resources.

- [g] Make recommendations to the Council regarding amendments to the By-laws, changes in committee structure or responsibilities.
- [h] Make recommendations to the Council regarding Council member training.
- [i] Make recommendations to the Council regarding the presentation of awards on behalf of the Council.
- [j] Provide direction to the Executive Director regarding Council meeting schedules and agendas.
- [k] Make recommendations to the Council regarding matters assigned by the Council or the Council Chairperson.
- [l] Make recommendations to the Council regarding the appointment, evaluation, or removal of the Executive Director.
- [m] Monitor and evaluate State Plan **California State Strategic Plan on Developmental Disabilities** implementation and submit findings to the Council.
- [n] Review and make recommendations to the Council regarding area boards' requests to initiate litigation per Welfare and Institution Code Section 4548(g)(4) and (6).
- [o] Coordinate the Council's litigation activities, as needed, and make recommendations to the full Council.
- [p] Take action on all requests for Conflict of Interest Policy exceptions and make all determinations whether a conflict of interest exists.
- [q] Make appointments to and receive recommendations from the Strategic Planning Sub-Committee.
- [r] Present a slate of nominees to be elected to the Nominating Committee. Election to the Nominating Committee shall occur annually at the September Council meeting.

1. Strategic Planning Sub-Committee

The Subcommittee shall:

- (a) Advise the Executive Committee on the collection and reporting of information on needs, including unmet needs, priorities and emerging issues
- (b) Make recommendations to the Executive Committee regarding policy priorities for the **California State Strategic Plan** Strategic Plan and State Plan on Developmental Disabilities
- (c) Assist the Council in the implementation and reporting of the goals and objectives of the Council's **California State Strategic Plan on Developmental Disabilities** Strategic Plan and State Plan.
- (d) Coordinate planning implementation with the other Committees of the Council.

~~(2) Administrative Committee~~

~~The Administrative Committee shall assist with monitoring the administrative and budgetary activities of the Council. The Committee shall:~~

- ~~[a] Be composed of at least three (3) Council Members~~
- ~~[b] Make recommendations to the Council regarding allocation of discretionary fiscal resources and other budgetary issues.~~
- ~~[c] Make recommendations to the Council regarding budgeting for anticipated fiscal resources among Council operations and specific service priorities for inclusion in the **California State Strategic Plan on Developmental Disabilities** State Plan and the Governor's budget.~~
- ~~[d] Make recommendations to the Council regarding monitoring and evaluating administrative contracts and agreements.~~
- ~~[e] Make recommendations to Council regarding all contracts and agreements.~~
- ~~[f] Monitor and evaluate administrative contracts and agreements; and take actions authorized in all Council contracts and agreements.~~
- ~~[g] Make recommendations to the Council regarding administrative matters and policies.~~

- (3) Legislative and Public Policy Committee
 The Legislative and Public Policy Committee shall implement the **California State Strategic Plan on Developmental Disabilities** State Plan objectives as assigned by the Council. The Committee shall:
- [a] Be composed of at least seven (7) members.
 - [b] Review and comment on significant proposed legislation and/or proposed regulations.
 - [c] Recommend legislation consistent with Council's responsibilities and objectives.
 - [d] Recommend initiatives and policies consistent with Council responsibilities and objectives.
 - [e] Provide testimony and recommendations to the Legislature with regard to fiscal or policy matters pertaining to people with developmental disabilities.
 - [f] Respond to other responsibilities as assigned by the Council or Council Chairperson.
- (4) Program Development Committee
 The Program Development Committee shall advise the Council in the development of services and projects designed to improve the quality of life for individuals with developmental disabilities and their families
- The Committee shall:
- [a] Be composed of at least seven (7) members.
 - [b] Make recommendations to the Council regarding the Community Program Development Grant (CPDG) application process and suggested priorities/criteria for proposals.
 - [c] Develop methods to market and implement successful CPDG projects throughout the State.
 - [d] Carry out other responsibilities as assigned by the Council or the Council Chairperson.

SECTION 3. Nominating Committee:

The Nominating Committee shall provide advice to the Council relative to the annual election of Council officers. The Committee shall:

- (a) Be composed of at least three (3) and not more than five (5) Council members.
- (b) Be elected by the Council at the September Council meeting from a slate of nominations presented by the Executive Committee.
- (c) Serve for one year. Be elected at least forty-five (45) days prior to the annual election.

SECTION 4. Committees, Sub-Committees and Ad-Hoc Committees and Task Forces:

- (a) Committees, Sub-committees, Ad-Hoc committees and Task Forces may be established by the Council to carry out specified ~~State Plan~~ **California State Strategic Plan on Developmental Disabilities** objectives and purposes of the Council.
- (b) The term of office and, qualifications of these groups' chairpersons and members shall be established by the Council. The membership of Sub-Committees and Ad-Hoc committees shall be open to non-members of the Council and shall be appointed by the Chairperson of the Council. The expenses of non-Council members may be reimbursed on the same basis as a Council member with the exception of the honorarium.

ARTICLE X. COUNCIL GENERAL PROVISIONS

SECTION 1. Certification and Inspection:

The original or a copy of the By-laws, as amended or otherwise altered to date, certified by the Council shall be recorded and kept in a book that shall be kept in a location in the principal office of the Council, and such book shall be open to public inspection at all times during office hours.

SECTION 2. Records, Reports and Inspection:

- (a) The Council shall maintain or contract through an interagency agreement for adequate and correct accounts, books and records of all its business and properties.
- (b) Such records shall be kept at its principal place of business or available through any interagency agreement. All books and records shall be open to inspection by the Council and the general public, except those records or data regarding an employee, if such disclosure would constitute an unwarranted invasion of personal privacy, or records of the Council relating to its participation in a judicial proceeding.
- (c) An annual financial report and budgets shall be available for inspection at the Council's principal place of business.

ARTICLE XI. AMENDMENTS OF BY-LAWS

Subject to the limitations of federal and state law, these By-laws shall be reviewed annually. The Executive Committee shall be responsible for the annual review of the By-laws, submitting recommendations for adoption of new By-laws and amendments or repeal of existing By-laws to the Council. These By-laws may be amended, repealed or adopted by a ~~majority vote~~ **two – thirds majority** during any regular or special meeting of the Council so long as a draft of the proposed action was submitted in writing to the Council at least ten (10) days prior to the meeting.

ARTICLE XII. INDEMNIFICATION

SECTION 1. Definitions:

For the purposes of this Article XII, “agent” means any person who is or was a director or member as appropriate, officer, employee, or other agent of the Council. Proceeding means any threatened, pending, or completed action or proceeding, whether civil, criminal, administrative, or investigative; and expenses include without limitation attorney’s fees and any expenses of establishing a right to indemnification under Section 4 or 5(b) of this Article XII.

SECTION 2. Indemnification in Actions by Third Parties:

The Council shall have power to indemnify any person who was or is a party or is threatened to be made a party to any proceeding (other than an action by or in the right of the Council to procure a judgment in its favor, by reason of the fact that such person is or was an agent of the Council, against expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred in connection with such proceeding if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the Council and, in the case of a criminal proceeding, has no reasonable cause to believe the conduct of such person was unlawful. The termination of any proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which the person reasonably believed to be in the best interests of the Council or that the person had reasonable cause to believe that the person’s conduct was unlawful.

SECTION 3. Indemnification in Actions by or in the Right of the Council:

The Council shall have the power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action by or in the right of the Council, to procure a judgment in its favor by reason of the fact that such person is or was an agent of the Council, against expenses actually and reasonably incurred by such person in connection with the defense or settlement of such action if such person acted in good faith, in a manner such person believed to be in the best interests of the Council, and with such care, including reasonable inquiry as an ordinarily prudent person in a like position would use under similar circumstances. No indemnification shall be made under this Section 3:

- (a) In respect of any claim, issue, or matter as to which such person shall have been

adjudged to be liable to the Council in the performance of such person's duty to the Council, unless and only to the extent that the court in which such proceeding is or was pending shall determine upon application that, in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for the expenses which such court shall determine;

- (b) Of amounts paid in settling or otherwise disposing of a threatened or pending action, with or without court approval; or
- (c) Of expenses incurred in defending a threatened or pending action, which is settled or otherwise disposed of without court approval, unless it is settled with the approval of the Attorney General.

SECTION 4. Indemnification Against Expenses:

To the extent that an agent of the Council has been successful on the merits in defense of any proceeding referred to in Section 2 or 3 of this Article XII or in defense of any claim, issue, or matter therein, the agent shall be indemnified against expenses actually and reasonably incurred by the agent in connection therewith.

SECTION 5. Required Determinations:

Except as provided in Section 4 of this Article XII any indemnification under this Article XII shall be made by the Council only if authorized in the specific case, upon a determination that indemnification of the agent is proper in the circumstances because the agent has met the applicable standard of conduct set forth in Section 2 or 3 of this Article XII, by:

- (a) A majority vote of a quorum consisting of directors or members as appropriate, who are not parties to such proceeding; or
- (b) The court in which such proceeding is or was pending upon application made by the Council or the agent or the attorney or other person rendering services in connection with the defense, whether or not such application by the agent, attorney, or other person is opposed by the Council.

SECTION 6. Advance of Expenses:

Expenses incurred in defending any proceeding may be advanced by the Council prior to the final disposition of such proceeding upon receipt of an undertaking by or on behalf of the agent to repay such amount unless it shall be determined ultimately that the agent is entitled to be indemnified as authorized in this Article XII.

SECTION 7. Other Indemnification:

No provision made by the Council to indemnify its or its subsidiary's directors or members as appropriate, or officers for the defense of any proceeding, whether contained in the Articles, Bylaws, a resolution directors or members as appropriate, or an agreement, or otherwise, shall be valid unless consistent with this Article XII. Nothing contained in this Article XII shall affect any right to indemnification to which persons other than such directors or members as

appropriate, and officers may be entitled by contract or otherwise.

SECTION 8. Forms of Indemnification Not Permitted:

No indemnification or advance shall be made under this Article XII, except as provided in Section 4 or 5(b), in any circumstances where it appears:

- (a) That it would be inconsistent with a provision of the Articles, these By-laws, or an agreement in effect at the time of the accrual of the alleged cause of action asserted in the proceeding in which the expenses were incurred or other amounts were paid, which prohibits or otherwise limits indemnification; or
- (b) That it would be inconsistent with any condition expressly imposed by a court in approving a settlement.

AGENDA ITEM DETAIL SHEET

ISSUE: Nominating Committee Report

BACKGROUND: The Nominating Committee is charged with providing advice to the Council relative to the annual election of Council officers.

ANALYSIS/DISCUSSION: Pursuant to Article IX, Section 3 of the Council Bylaws, the Nominating Committee is:

composed of at least three (3) and not more than five (5) Council members;

elected by the Council at the September Council meeting from a slate of nominations presented by the Executive Committee; and

serves for one year.

COUNCIL STRATEGIC PLAN OBJECTIVE: Improve the SCDD organization and operations to effectively support the SCDD vision and mission and work collaboratively with other pertinent state agencies.

PRIOR COUNCIL ACTIVITY: On September 21, 2010, the Council elected Jorge Aguilar, Shirley Dove and Lisa Cooley as the Nominating Committee to present a slate of officers at the November 2010 Council meeting.

RECOMMENDATION(S): Hear and accept the Nominating Committee report.

ATTACHMENT(S): None

PREPARED: Carol J. Risley, Executive Director

AGENDA ITEM DETAIL SHEET

ISSUE: Election of Officers

BACKGROUND: Article VII, Sections 1-4 of the Council By-laws state the officers of the Council shall be a chairperson and a vice - chairperson elected from among the consumer members. These officers shall perform the duties described in the By-laws.

Election of officers shall occur once every two years. The election shall be held during the last meeting of the appropriate calendar year. Only consumer members shall be eligible to hold office.

Council officers shall be elected by a majority vote. Recommendations for officers shall be in the form of nominations from the Nominating Committee. However, nominations may also be received from the floor prior to the election, but subsequent to the report of the Nominating Committee.

The Chairperson and Vice-Chairperson shall be elected for a term of two years. Individuals may be elected to these positions for no more than two consecutive terms. Their term of office shall begin the first day of the new calendar year.

ANALYSIS/DISCUSSION: None

COUNCIL STRATEGIC PLAN OBJECTIVE: Improve the SCDD organization and operations to effectively support the SCDD vision and mission and work collaboratively with other pertinent state agencies.

PRIOR COUNCIL ACTIVITY: On September 21, 2010, the Council elected Jorge Aguilar, Shirley Dove and Lisa Cooley as the Nominating Committee to present a slate of officers at the November 2010 Council meeting.

RECOMMENDATION(S): Conduct an election of officers as required by the Council bylaws.

ATTACHMENT(S): None

PREPARED: Carol J. Risley, Executive Director

AGENDA ITEM DETAIL SHEET

ISSUE: Briefing Paper for Governor-Elect

BACKGROUND: At the time of a change in the California administration, state agencies, departments, boards and others prepare briefing papers for the new administration designed to inform them about the agency and bring key issues to their attention.

ANALYSIS/DISCUSSION: Council members and area boards were requested to provide input regarding the issues they believe needed to be included in a briefing to the new administration. Staff also reviewed the strategic plans developed by the area boards to identify key areas of interest from the community perspective. The outcome of this process was discussed by the Council Executive Committee, wherein they recommended that the paper include guiding principles and information about the partnership between the federally mandated and funded Council, disability rights and UCEDDs. Staff then developed a draft for Council consideration.

COUNCIL STRATEGIC PLAN OBJECTIVE: Shape public policy that positively impacts California with developmental disabilities and their families.

PRIOR COUNCIL ACTIVITY: In November 2003, the Council prepared a report for Governor Schwarzenegger entitled TRANSITION REPORT An Overview of Information and Issues Relating to the State Council and its Federal and State Mandates.

RECOMMENDATION(S): Staff recommends the Council review, amend as desired and approve a briefing paper from the Council to be issued to the Governor-Elect and other key elected/appointed officials in the new administration.

ATTACHMENT(S): None, draft paper will be distributed prior to Council meeting.

PREPARED: Carol J. Risley, Executive Director

SCDD Council Area Board 1 Member Report

Name: Patty O'Brien

Reporting Date: 10-26-10

Please provide a paragraph about the following topics as they relate to the people you represent; if there has been no activity for the past two months, leave the space blank. The following topics are suggested. Please report on activities as they relate to the State Plan and SCDD contract activities.

- Highlights (activities that have had a positive affect on your community or individual):
 - A donation was made by Soroptimist International of Clear Lake. The organization voted to donate \$500.00 to Wiloth Equine Therapy that would be used to sponsor a woman or a girl in the program. The individual who was chosen to be the beneficiary of the scholarship was one of the students who had been unable to continue through Regional Center funding due to the state budget cuts.
 - The C. Raymond Hudson Award was presented to Jone Duggan.
- Advocacy (activities that advocate for Systems Change or an individual):
 - The Area Board has been working with and advocating for individual clients regarding parents' rights.
 - The Area Board is advocating for transition age individuals regarding service options.
 - Due to an unanticipated program closure, the Area Board was called upon by a number of the program participants for assistance to advocate for client services/client choice. Area Board worked closely with individuals and regional center staff to ensure that the clients and families were respected and heard. Through the process it has become apparent that there is need for Person Centered Planning training (which, fortunately, will be taking place at Regional Center the first week in November) and also the need to train Regional Center Service Coordinators about the legal rights and authority of Conservators and Authorized Representatives.
- Legislative and Public Policy Advocacy (activities that provide public officials, public entities, and local constituencies information about legislation and public policy):
 - Area Board 1 forwarded a letter to the editors of local papers written by Dr. Ira Chasnoff in response to a recent study from Britain which was published in the Journal of Epidemiology and Community Health and addresses the issue of whether there is a safe amount of alcohol that can be consumed during pregnancy. "Although the authors presented their findings in an evenhanded manner, the translation of the study findings by the media has

been anything but responsible...Until we know more, we must advise people, in the best interest of unborn children that no amount of alcohol is safe to drink during pregnancy.”

- Area Board 1 is participating on the State Council on Developmental Disabilities’ Employment First Committee and subcommittees.
- The Marijuana Poster printing is in process; we anticipate that the posters will be ready for distribution to council members at the January Council meeting.
- Outreach/Community Event Participation (involvement in activities/events to outreach to the community):
 - Area Board staff/board members attended/participated in the following community activities and events:
 - Attended the photo exposition of the Photo Project Mini-Grant. The clients participated in the very competitive amateur photo division and won three ribbons.
 - Attended the Quarterly Regional Center, Community Care Licensing, Area Board meeting, these meetings originated with the 1998 Pilot Project and continue to be an effective venue for communication and collaboration among the agencies.
 - Attended Disability Roundtable at Mendocino College. There was discussion regarding the funding cutbacks and the negative impact to clients who have been attending college classes. The local college is committed to serving individuals with disabilities and the meeting discussed alternatives and options for future courses.
 - Participated in the Dr. Chasnoff Lake County Training: Cause and Consequence. The initial data has indicated that there is much work to do in Lake County. The training was well attended and included many Multi-Disciplinary Team members, teachers and school staff from Lake and Mendocino Counties.
 - Participated in the Disability Awareness Conference with: Pinoleville Pomo Nation Vocational Rehabilitation, Hoopa/Yurok Vocational Rehabilitation, and State Department of Rehabilitation and Disability Rights California.
 - Attended the California Department of Rehabilitation / SELPA / Mendocino COE Workability / Transition training: Understanding Autism Spectrum Disorder and Implications for Employment (STEPS) Structured Teaching Environments Promoting Success.
- Local Issues/Concerns to bring to the Council’s attention:

Area Board has grave concerns about Regional Center’s staff understanding of the law as it applies to conservators and authorized representatives.

SCDD Council Member Report

Name: Area Board II

Reporting Date: November 2010

Please provide a paragraph about the following topics as they relate to the people you represent; if there has been no activity for the past two months, leave the space blank. The following topics are suggested. Please report on activities as they relate to the State Plan and SCDD contract activities.

1. Highlights (activities that have had a positive effect on your community or individual):

Office created and is managing "lending library" for available educational resources. Continue facilitating the self-advocate "Drug & Alcohol Team" and have scheduled 5 community presentations through February 2011. Continue to assist AB3 with the QAP and assisted in recruiting 2 new Interviewers for Butte County. Our "Groups & Events" flyer was e-mailed October 1st to 200+ individuals/agencies.

2. Advocacy (activities that advocate for Systems Change or an individual):

Staff completed "Basic State Grant" report for 4/1-9/30/10 period with updates on ABII's Strategic Plan activities and collaborators. Drafted in September a "Happy 20th Birthday ADA" letter and in October drafted a "Disability History" letter, sent to Board members for input and they sent article to "Letter to the Editor" in their local papers. Staff continues to provide advocacy to individuals and families through consultations, system navigation, agency referrals and representation at school and program meetings.

3. Legislative and Public Policy Advocacy (activities that provide public officials, public entities, and local constituencies information about legislation and public policy):

Continue participation on a "No. Ca. State Budget Alliance" including: public hearings in Chico with Assembly, Senate & City Council candidate panels and Proposition Info; newspaper coverage; weekly e-mails and letter writing campaigns. Attended a CSU-Chico event "Mad as Hell Doctors," who are on a national tour educating and promoting "single payer health care." ABII coordinated Advocacy Networking group with ABII, DRC and RFENC, to strengthen advocacy efforts in our region and will meet bi-annually. Attended CSU-Chico's Special Education Advisory Committee with regional SELPA Directors.

4. Outreach/Community Event Participation (involvement in activities/events to outreach to the community):

Staff & Board continues participation on County Coordinating Councils (CCC) in Butte, Tehama and Shasta Co. Glenn CCC's 1st "kick off" event on September 29, 2010 was well attended and organizing follow up planning. Co-sponsored FNRC's Focus Film events Oct.13-14th, as well as, co-sponsored and coordinated the BCCC's 15th Annual Recognition Celebration held on October 21, 2010, including over 200 in attendance. Andy Holcombe, this year's "Lanternman Outstanding Services Award" recipient and 30 individuals who received the "People Who Make a Difference" award were honored! SCCC established a *Transition Committee* to strengthen journey from school to adulthood and is meeting monthly. Participated in the October 2, 2010 *Orland Community Fair* and continue to serve on Shasta Co. Emergency Fair planning committee for 3rd Annual Fair which was held October 14, 2010.

5. Local Issues/Concerns to bring to the Council's attention:

We are still concerned that, unlike regional center boards, there is no "conflict of interest waiver" process for family members or self-advocates who want to serve on Area Board's but work for a D.D. service agency.

SCDD Council Member Report

Name: Area Board 4 Reporting Date: November, 2010

Please provide a paragraph about the following topics as they relate to the people you represent; if there has been no activity for the past two months, leave the space blank. The following topics are suggested. Please report on activities as they relate to the State Plan and SCDD contract activities.

1. Highlights (activities that have had a positive affect on your community or individual):

► Area Board 4 has worked closely with DRC/OCRA to support participants at a program where we had received numerous complaints. AB4 & OCRA presented a training for participants on IPPs, we conducted several advocacy intake clinics, did follow-up advocacy, attended IPP meetings, and presented staff trainings on self advocacy, rights, and person-centered planning. We have worked with community care licensing and adult protective services. Positive changes have been occurring at the program, including staff changes and consultation with a new behaviorist. Participants report improvements at the program and increased satisfaction and safety.

► Area Board staff participates on the Advisory Committee for Project Search-Vacaville, and attended meetings in September and October, 2010. The Project now has a draft Memorandum of Agreement between the key parties: Project Search, Solano County Office of Education, North Bay Regional Center, Department of Rehabilitation, and Solano Diversified Services. It is anticipated that the Project Search site at Kaiser Permanente in Vacaville will be in operation in September, 2011. This will be the second Project Search site in the area after the one established three years ago by Vallejo Unified School District. *“Project Search is a nine month school to work program for students with disabilities that takes place entirely at Kaiser Vacaville. Total workplace immersion facilitates a seamless combination of classroom instruction, career exploration, and on-the-job training and support. The goal for each student is competitive employment at Kaiser or in the community using the skills they have*

acquired at Kaiser Vacaville.” (Executive Summary: Job Training for Students with Disabilities, SCOE)

► Co-sponsored a training to 45 persons at a workshop titled “ASD and the World of Work” in October 2010. The funding came from the CDE/DOR Cooperative Program. The Area Board worked with Vallejo Unified School district to facilitate the occurrence of the workshop.

► Co-planned with ACT’s Chairperson the agenda for the Triennial meeting of the Autism Community Team (ACT), and arranged four presentations given at the meeting related to transition from school to post secondary education and employment by groups Area 4 Board works closely with: 1. Priorities from the Senate Select Committee on Autism’s Regional Taskforce Workgroups on Employment (*Keith Storey, PhD, Special Ed Program Chair, Touro U & Co-Chair, NBART Employment Workgroup*); 2. Project Search - Vallejo; 3. Project Search - Vacaville (*Alicia Miller, Transition Specialist, Solano COE*); 4. College to Career Program, SRJC (*Laura Aspinall, Disability Specialist, SRJC, Disability Resources Dept*)

2. Advocacy (activities that advocate for Systems Change or an individual):

Individual Advocacy

Phone consultation, face-to-face consultation, home and program visits, advocacy and support at IPP meeting on living arrangement. Outcome: individual is living in desired arrangement.

Phone consultation, face-to-face consultation, advocacy and support at meetings regarding special education evaluation. Outcome: IEP pending.

Phone consultation, face-to-face consultation, advocacy and support at meetings regarding special education placement. Outcome: IEP pending.

Face-to-face consultation regarding behavior plan. Outcome: case manager working with individual on desired changes.

Phone consultation regarding supported living services. Outcome: ongoing.

Advocacy and support at IEP meeting on transition issues. Outcome: desired goals written into IEP.

Provided phone consultation, face-to-face consultation, advocacy and support to individual wanting to receive SLS. Outcome: ongoing.

Provided phone consultation, face-to-face consultation, advocacy and support to individual wanting to change jobs. Outcome: case manager provided good support to individual to explore work options. Individual decided to stay in current job to make more money.

Provided phone consultation, advocacy and support with NBRC, resource referral to individual who alleged abuse. Outcome: report to CPS.

Provided phone consultation, face-to-face consultation, advocacy and support to individual wanting to change residential placement. Outcome: ongoing.

Provided phone consultation, face-to-face consultation, advocacy and support to individual wanting to change jobs. Outcome: IPP meetings held, ongoing.

Provided phone consultation, face-to-face consultation, advocacy and support to individual wanting to change jobs. Outcome: referral packets sent to other work programs.

Provided phone consultation, face-to-face consultation, advocacy and support to individual wanting to change jobs. Outcome: referral packets sent to other programs, individual considering options.

Provided phone consultation, face-to-face consultation, advocacy and support to individual wanting to change payee. Outcome: ongoing.

Provided phone consultation, face-to-face consultation, advocacy and support to individual wanting to change jobs. Outcome: options being explored.

Provided phone consultation, face-to-face consultation, advocacy and support to individual concerning residential placement. Outcome: OCRA filed APS and CCL reports, and 4731 complaint due to allegation of abuse. AB4 to attend planning meeting.

Provided phone consultation, face-to-face consultation, advocacy and support to individual wanting to change jobs. Outcome: ongoing.

Provided phone consultation, face-to-face consultation, advocacy and support to individual wanting to change residential placement. Outcome: OCRA filed APS and CCL reports, and 4731 complaint due to suspected abuse.

Provided face-to face consultation to individual on residential issues. Outcome: AB4 to attend IPP.

Provided phone consultation, face-to-face consultation, advocacy and support to individual wanting to change payee. Outcome: ongoing.

Provided face-to-face consultation to individual alleging abuse. Outcome: AB4 filed APS & CCL reports, OCRA filed 4731 complaint.

Provided phone consultation to individual regarding SLS housemate concerns. Outcome: assisted individual to work with SLS agency and case manager on issues.

Provided face-to-face consultation to individual dissatisfied with case manager. Outcome: informed individual of her right to change case manager and also explained the reasons for the case manager's actions. Individual decided to keep current case manager.

Provided phone consultation and resources to individual with housemate problems. Researched options and consulted with other advocates. Outcome: unknown.

Provided phone consultation to family regarding day care services. Outcome: IPP to be scheduled.

Provided advocacy and support to family at IEP. Outcome: student making significant progress on goals.

Provided face-to-face consultation to individual wanting to work part-time. Outcome: advised of rights, assisted to communicate to case manager.

Phone consultation, face-to-face consultation, support to communicate with case manager, follow-up with case manager on SSI overpayment, job training, and food closets. Outcome: case manager providing support and referrals.

Phone consultation regarding housing, SSI, job. Outcome: referral to independent living center.

Phone consultation, face-to-face consultation, advocacy and support at IEP meeting on IEP goals and injury at school. Outcome: IEP to be scheduled.

Phone consultation, consultation with case manager on school expulsion. Outcome: students moved out of area.

Phone consultation, face-to-face consultation on living arrangement and mental health support. Outcome: moved to a new residence.

Phone consultation for independent living and job for son with auditory processing disorder. Outcome: unknown

3. Legislative and Public Policy Advocacy (activities that provide public officials, public entities, and local constituencies information about legislation and public policy):

► Played lead role in organizing the 4th Quarterly meeting of the North Bay Autism Taskforce (NBART) held in Fairfield in October 2010. Representatives from the offices of Senators Wolk and

Steinberg participated along with approximately 25 members of the NBART. Discussion occurred on the priority recommendations from four statewide webinars that had been held in July and August 2010 on issues affecting persons with autism and related disorders in the areas of Early Intervention and Treatment; Insurance Coverage; Housing; and, Employment.

► Two Area Board members from the Assembly District #8 and staff met with Assembly Member Yamada in October 2012 to discuss issues of concern around inclusion, Fair Hearings, and on Rosa's Law, the federal law that eliminates use of the word "mental retardation" from federal law and regulation.

4. Outreach/Community Event Participation (involvement in activities/events to outreach to the community):

- Co-sponsored special education training for 16 people.
- Co-sponsored voting training for 40 individuals
- Met with Office of Clients Rights Advocacy to plan and coordinate efforts to enhance self advocacy activities.
- Conducted training on self advocacy, rights and person centered planning for 60 staff members.
- Attended Community Advisory Committee meetings for Napa, Upper Solano, and Vallejo
- Attended meetings of the Board of the North Bay Regional Center in September and October, and gave Area Board Reports which included information on the history of de-institutionalization.
- Attended meetings of Solano/Napa Service Providers in September and October. Gave out information on the bills SCDD Legislative Committee tracked in past two years, among other information.

- Participated on the Advisory Group to the Collaborative Autism Training & Support Program (CATS). CATS presents two sets of workshops each year aimed at raising awareness and understanding of autism for families, agency professionals and the community; and, free direct care and respite to families.
- Held an orientation/strategic plan meeting of the Area Board on September 18th.
- Attended the State Council meeting in September and the meeting the following day of the area board executive directors.
- Attended the Board meeting in September 2010 of the North Bay Housing Coalition (NBHC). This agency is doing important work in partnership with NBRC in acquiring housing stock that will remain in perpetuity for people with developmental disabilities. Attending this agency's Board meetings enables the Area Board to be informed about issues and efforts pertaining to housing and living arrangements. At the Area Board meeting in October 2010, this agency reported on the outcomes of the mini-grant it received from the Area Board to translate its resource material into Spanish.
- Attended meetings in September and October, 2010 of the Vendor Advisory Committee (VAC) to North Bay Regional Center. "Area Board Report" is a standing item on their agenda. Attending and participating at these "vendor" meetings informs Area Board staff about issues that matter to the directors of the community agencies that serve adults with developmental disabilities in the area.
- Participated in the Napa Transitional Resource Fair in October 2010. Area Board had a table at the Fair and

distributed information and talked with parents and students who attended.

- Participated in the Autism Community Team (ACT) for Solano and Napa counties meeting in October 2010.
- Spoke at a celebration in October 2010 honoring the life of Elvis Bozarth who died in August 2010. Elvis was a parent advocate who devoted his time and considerable energy to improving policy, services and quality of life for persons with developmental disabilities.
- Held a meeting of the Area 4 Board, which included presentations on the outcome of mini-grants awarded by the Board. All were notable, but one stood out which was Matrix Parent and Resource Network's project which produced two on-line trainings for families on the individual education process and another on the Lanterman Act. These are two excellent resources! The on-line training is a model that is proving effective. For example, over 400 persons used the IEP On-Line Training since August 2010!
The Board meeting also included discussion on the Governor's veto of funding for AB 3632 services, as well as a presentation on the State budget by staff.

5. Local Issues/Concerns to bring to the Council's attention:

- ▶ The Board is interested in seeing state legislation to implement a "Rosa's Law" in California.
- ▶ The lack of "fairness" in the Fair Hearing processes for special education and Lanterman Act is of concern.

SCDD Council Member Report

Name: Area Board 5

Reporting Date: November 2010

1. Highlights (activities that have had a positive effect on your community or individual):

- a) Area Board 5 collaborated on a conference to educate service coordinators, families, people with disabilities and others on Access to dental, medical and other benefits. 165 people attended. Collaborators included: Alameda county DD Council, East Bay Innovations, World Institute on Disability, Regional center of the East Bay
- b) Staff gave the keynote address at the 7th Annual Disability Employment Awareness Conference for Alameda County, a conference for managers and supervisors in county and city government. 154 attended
- c) Area Board 5 was a member of the planning committee for the Golden Gate Self Advocacy conference that was held September 22 at the Milton Marks Conference Center in San Francisco. 165 self-advocates and 35 others participated
- d) Area Board 5 has completed 28 (total) Third Party Interviews as part of the Agnews closure Quality management System. After these homes, there are only 2 more homes to be surveyed under this contract.
- e) We continue to provide support and facilitation to Bay Area People First and 6 chapters.
- f) Staff made a presentation at Fiesta Educativa Sacramento on rights under the Lanterman Act . 52 attended
- g) Area Board staff facilitated a panel discussions and was a panelist on a second panel on budget impacts and advocacy for children with special health care needs. 95 persons attended. Collaborators CRISS project, Family Voices CA, USC UCEDD, State Children's Medical Services.
- h) Planning is underway for the Developmental Disabilities Conference for health professionals at UCSF next Spring
- i) As of October 31, Area Board 5 has completed 652 NCI surveys for two regional centers: 337 – RCEB; 315 - GGRC. We are on schedule to fulfill our contract
- j) Staff participated in the selection of new provider under CPP

2. **Advocacy (activities that advocate for Systems Change or an individual):**
 - a. Represented a consumer at informal hearing with regional center and provided technical assistance and preparation to a second consumer for their fair hearing
 - b. Provided advocacy and or guidance to several consumers/families.
3. **Legislative and Public Policy Advocacy (activities that provide public officials, public entities, and local constituencies information about legislation and public policy):**
 - a. Attended meeting called by Senator DeSaulnier to address the impacts of the 2010-11 budget on the developmental disabilities system
 - b. Attended meeting called by Senator Hancock to plan for activities to celebrate Ed Roberts Day (January 23)
 - c. Continued communication with legislative staff.
 - d. Participated in SCDD legislative committee and East Bay Legislative Task Force
4. **Outreach/Community Event Participation (involvement in activities/events to outreach to the community):**
 - a. Had information table at Transition Fair in Concord
 - b. Attended events at Lifehouse, Stepping Stones, Marin Ventures, Janet Pomeroy Center, Fremont Autism support group
 - c. Continue to participate /attend:, Alameda county DD Council, Contra Costa county DD Council, East Bay Legislative Coalition, RCEB Board, GGRC Board, Service Provider groups at RCEB and GGRC
5. **Local Issues/Concerns to bring to the Council's attention:**

SCDD Area Board 6 Report
Reporting Date: September/October 2010

Provide a paragraph about the following topics as they relate to your Board catchment area; If there has been no activity for the past two months, leave the space blank. This report should involve the Executive Director, and any or all Board members and staff that have participated. The approved Area Board activities can be those conducted by the entire Board or a single Board member or staff.

- 1. Highlights (activities that have had a positive affect on your community or individuals):**
 - **Completed a newsletter called *Area Connection* and mailed to our mailing list.**
 - **Attended and assisted the Self Advocacy Council 6 at the Modesto Junior College Disability Awareness event- over 500 people attended. Gave out AB6 materials and information.**
 - **Assisted the Self Advocacy Council 6 interviews to contract with a consultant to help them re-organize their efforts.**
 - **On track with our QA survey goal.**
- 2. Advocacy (activities that advocate for Systems Change or an individual):**
 - **Provided direct advocacy for a family requesting exceptional respite in an informal VMRC hearing and DDS mediation.**
 - **Assisted an individual in preparing for DDS mediation in regard to receiving a van conversion to allow wheelchair mobility for a child.**
 - **Provided telephone advocacy for 6 families requesting information re special education rights and procedures.**
 - **Provided telephone advocacy to 8 individuals about regional center and Lanterman Act rights and policies.**

- **Provided advocacy for a mother and her son during an IEP process.**
 - **Provided state level hearing information to a family in Tracy.**
 - **Provided individual advocacy to a family in Stanislaus County regarding assistance with getting dental care and wheelchair repairs done.**
 - **Provided assistance to a woman who wanted a life quality assessment done to help her determine her needs to communicate with her service coordinator and family more effectively.**
- 3. Outreach/Community Event Participation (involvement in activities/events to outreach to the community):**
- **Participated in a Special Education CAC meeting in Tuolumne Co.**
 - **Provided support to self advocates on the day of the CA Memorial Project Remembrance Day.**
 - **Coordinated and facilitated 2 Supported living network meetings.**
 - **Participated at SJRTD transit meeting and provided input regarding the lack of weekend transportation services.**
 - **Attended 2 IHSS public authority meetings and shared information about the QA project. Also gave input regarding IHSS service changes.**
 - **Attended Housing coalition meeting in rural area and provided suggestions and or idea's regarding finding more affordable housing options for people with developmental disabilities.**
 - **Collaborated with Family Resource Network (FRN) and presented training on the IEP process to parents, consumers and professionals in Tracy and Jackson.**
 - **Facilitated at one Stanislaus transition taskforce meeting.**
 - **Participated at the San Joaquin SELIT meeting regarding transition students.**
 - **Participated at the San Joaquin County Transition Task Force meeting.**

4. Legislative and Public Policy Advocacy (activities that provide public officials, public entities, and local constituencies information about legislation and public policy):

- **Area Board, SCDD and California Memorial Project information packets given to Assemblymember Mariko Yamada and the field rep for Senator Wolk at the CMP Ceremony.**

5. Local Issues/Concerns to bring to the Council's attention:

- **The time it takes for information that affects consumers of regional center services to reach those people. Specifically, regional center responsibility to insure people receive appropriate dental care or recent policy clarification in regard to appropriate respite delivery options including an exchange of respite hours for camp. Better communication needed from DDS to regional centers to regional center service coordinators.**
- **The lack of affordable housing continues to be a huge issue.**

Photos Area Board 6 Report

California Memorial Project Remembrance Ceremony September 20, 2010



Assemblymember Mariko Yamada spoke at the ceremony



PCS CHOIR sang at the ceremony

Brad Putz-Area Board 6 member at the Columbia College Disability Awareness event October 19, 2010



SCDD Council Member Report

Name: Area Board VII

Reporting Date: September/October 2010

Please provide a paragraph about the following topics as they relate to the people you represent; if there has been no activity for the past two months, leave the space blank. The following topics are suggested. Please report on activities as they relate to the State Plan and SCDD contract activities.

1. Highlights (activities that have had a positive affect on your community or individual):

Staff attended IEP and IPP planning meetings as well as formal IEP's and IPP's. Staff also attended Executive Committee meetings and Board meetings for ABVII as well as the SCDD meeting and the SCDD Director's meeting. We addressed concerns which had arisen from our Board in regards to the QA Project. We also had the opportunity to host tables at three Service Provider Association Fairs and at the San Jose Disability Awareness Day. All events were very well attended and we were able to distribute information about ABVII services to hundreds of attendees. With the approval of our Strategic Plan, we have begun to address benchmarks towards reaching our goals. We documented our progress in our BSG report to the State Council. Staff also provided updates to the San Andreas Regional Center Board.

Through NCI ABVII has completed 345 surveys and 183 surveys were not completed due to various reasons. One interviewer was recruited and trained. We are experiencing difficulty holding an interviewer in the Monterey Area. Seventeen of 17 validity surveys have been completed.

Began QMS interviews for 7 homes and Completed surveys for 4 homes (38 interviews).

2. Advocacy (activities that advocate for Systems Change or an individual)
Assisted families with IEP's and IPP's. Offered assistance to a family filing a formal complaint. With the beginning of the school year, requests for advocacy assistance have greatly increased. Staff has also begun dialogue with organizations regarding targeted areas of our Strategic Plan to promote collaboration in reaching our targeted goals.

Began working with some of our ABVII Board members to begin to address local school district services and develop a plan to address systematic issues. Addressed some major advocacy barriers with some school administrators.

QA Manager referred 3 individuals to staff and SARC staff for assistance with advocacy concerns.

3. Legislative and Public Policy Advocacy (activities that provide public officials, public entities, and local constituencies information about legislation and public policy):

Continue to share legislative materials with the Board Members, Staff and our Constituents .

4. Outreach/Community Event Participation (involvement in activities/events to outreach to the community):

Participated in Service Provider Association Fairs as well as in the San Jose Disability Awareness Day. Distributed information regarding ABVII Services, QA, Lanterman, People First and Education advocacy. Provided a report on ABVII activities to the SARC Board. Also attended the SCDD Meeting as well as the SCDD Executive Director meeting.

Staff attended the People First Board meeting in Sacramento and staff continues to maintain contact with the People First Groups which were recently formed on our region. We are also working with a day program to assist them in possibly forming a People First group.

Staff attended the QA Advisory Committee meeting at SARC.

5. Local Issues/Concerns to bring to the Council's attention:

Our region is still experiencing a lack of interpreters trained to support constituents with advocacy concerns. We also continue to experience a shortage in community nurses. Constituents and Providers are extremely concerned about the State Budget cuts expected for this fiscal year.

SCDD Council Member Report

Name: Area Board 9 **Reporting Date:** September/October 2010

Please provide a paragraph about the following topics as they relate to the people you represent; if there has been no activity for the past two months, leave the space blank. The following topics are suggested. Please report on activities as they relate to the State Plan.

1. Highlights (activities that have had a positive affect on your community or individual):

- Area Board presented webinars on IEP assessments with Ann Simuns and Jane DuBovy. This was not only offered in our local community but opened up to others in the State. Ann Sumuns presentation was on Behavioral Assessments and Interventions, Both were very well attended.
- Area Board coordinated and presented a local legislative breakfast with 65 participants. There were 3 representatives for local legislators and 2 legislative candidates who attending.
- Participated in the Central Coast Caucus which is a legislative event for northern Santa Barbara.
- Autism taskforce conducted a Cafe for future activities in the tri-counties. Area Board coordinated the event. Area board also conducted a survey of local need with 140 people responding.
- Area Board conducted an art contest for the new website
- Area board completed the legislative booklet and DVD
- Area Board, in collaboration with community partners presented Feeling Safe being Safe with the new webcast. 91 people attended.
- Area Board supported local people first groups.

2. Advocacy (activities that advocate for Systems Change or an individual):

- Individual advocacy provided to families who have been notified of changes to behavioral services and therapy services. A number of fair hearings have been settled.

- Concerns have been raised with the regional center regarding reduction and denial of services for behavioral services and social skills training.
- Individual advocacy has been provided for families concerned their child's special education needs

3. Legislative and Public Policy Advocacy (activities that provide public officials, public entities, and local constituencies information about legislation and public policy):

- Area Board completed the legislative handbook and accompanying DVD
- Area Board 9 held a legislative breakfast

4. Outreach/Community Event Participation (involvement in activities/events to outreach to the community):

- Area Board continues to participate in local community events/meetings that address the delivery of services by Regional center and their vendors and/or school districts.

5. Local Issues/Concerns to bring to the Council's attention:

SCDD Council Member Report

Name: Marcia Good Date: November 2010

1. Highlights (activities that have had a positive affect on your community or individual):

We are serving as the Southern California clearinghouse for development of Project Search sites, hosting a monthly teleconference and networking.

We testified at two Assembly hearings: Oversight Hearing on the DDS Audit and Hearing on Workforce Development.

We attended a reception honoring Congressman Howard Berman who facilitated federal stimulus funding for a new Employment Through Volunteerism program.

We participated in the Consumer Advisory Committees of the UCLA and USC UCEDDs.

The Self-Advocacy Board and staff facilitator were guests on the KPFK radio show "Access Unlimited" to promote their "Bandaging the Budget" resource directory (an Area Board 10 mini-grant recipient).

2. Advocacy (activities that advocate for Systems Change or an individual):

We provided technical assistance to 16 families with education-related service issues; one family involving access to Early Start services; and 25 families with community support needs.

We continue to facilitate the Self-Advocacy Board of Los Angeles County, which is currently focused on promoting voting and assisting our representative to People First of California.

We participated in two peer review panels for ECT.

3. Legislative and Public Policy Advocacy (activities that provide public officials, public entities, and local constituencies information about legislation and public policy):

We took positions and submitted letters regarding three federal bills.

Staff submitted input to the Social Security Administration regarding proposed changes in determining eligibility on the basis of mental disorders.

4. Outreach/Community Event Participation (involvement in activities/events to outreach to the community):

We were involved in several employment-related events, both as representatives of the State Council and Area Board 10: Governor's Committee on the Employment of People with Disabilities; the Council's Employment First Committee; Choose Work Conference; DDS data sharing meeting; Project Search conference

Staff delivered three presentations on Changes to the Lanterman Act and Early Start services, to a total of 79 parents and 32 professionals.

Staff participated in several transportation-related events including a focus group with L.A.'s paratransit consultant.

We participated in training on new health care reform issues

We are in planning mode for the 4th Annual Inclusion Conference, to be held April 4-5.

5. Local Issues/Concerns to bring to the Council's attention:

SCDD Council Member Report

AREA BOARD XI

Name: Michael E. Bailey

Reporting Date: November 2010

Please provide a paragraph about the following topics as they relate to the people you represent; if there has been no activity for the past two months, leave the space blank. The following topics are suggested. Please report on activities as they relate to the State Plan.

1. Highlights (activities that have had a positive effect on your community or individual):

- ❖ Area Board XI Board members and guests were treated to outstanding multi-media presentations by two of ABXI's 2009-2010 mini-grant recipients about the services they were able to provide to the community, with the help of ABXI funding:
 - TASK's Tech Connect Project helped provide AT services to 412 children through workshops, tech labs, Camp Techie, and a Tech Connect holiday event.
 - Celebrations in Sound provided social recreation for 1557 teens and young adults with developmental disabilities by hosting and deejaying ten community dances and other recreational events during the grant cycle.
- ❖ ABXI worked this year with UCI's College of Medicine to partner first and second-year medical students with children and families for this year's PALS class, which just began its eighth cycle last month. This is the first cohort that will focus on children with developmental disabilities and their families. PALS, a medical student-initiated public service program begun in 2003, is coordinated by UCI Medical Center's Director of Child Life Services, in collaboration with the Center's physicians, who serve as student mentors and lecturers.

A two-year commitment on the part of students and families, the program offers a unique form of support for children and families and an opportunity for future physicians to view the medical system from the "patient's" perspective. Medical student volunteers are paired

with children to get together regularly for various activities and outings, which can include sports events, movies, accompanying the child and family to doctors' appointments, IEPs, IPPS, etc. The students will participate in monthly seminars on relevant topics, including child development, developmental disabilities and the services and supports system, chronic illness, and family dynamics. Families participating in the PALS pilot program who are monolingual Spanish-speakers have been matched with bilingual medical students.

2. Advocacy (activities that advocate for Systems Change or an individual):

- ❖ ABXI advocacy activities during this reporting period included continued support of monthly meetings of People First of Orange County. Forty members and their guests participated in and enjoyed an afternoon of social interaction and good food at PFOC's annual barbecue.
- ❖ Advocacy and technical assistance, which include attending IEPs, IPPs, and other meetings related to education; community placement; regional center eligibility/services and supports; access to community resources and public benefits; housing; health care; quality assurance; and employment issues, for 38 English and Spanish-speaking consumers and family members.

3. Legislative and Public Policy Advocacy (activities that provide public officials, public entities, and local constituencies information about legislation and public policy):

4. Outreach/Community Event Participation (involvement in activities/events to outreach to the community):

ABXI outreach and community events during this reporting period included the following:

- ❖ Continued involvement and leadership role in on-going and new collaborative committees and events.
- ❖ Outreach:

- Saddleback Valley's Unified School District's WE CARE Disability Resource Fair - 100 people with developmental disabilities, family members, and professionals.
- UCI/CHOC's Help Me Grow event – 34 Orange County and Los Angeles pediatricians.
- Asian & Pacific Islanders Disability Conference 2010 - 250 attendees.
- Fairview Developmental Center's Self-Advocacy Information Faire.

❖ Training Events:

- Workshop - “Servicios Publicos: CCS, IHSS, Medi-Cal, Social Security” - for 90 attendees at Fiesta Educativa's 2010 annual conference.
- Presentation – “Let's Get Prepared: Tools for Emergency Preparedness” - for 25 vocational students from the North Orange County Community College District.
- Hosted workshop - “Silence is NOT Golden – Augmentative and Alternative Communication for People with Significant Communication Impairments” - for 24 family members and professionals.
- Presentation - "Transición a la Edad Adulta y Vida Independiente"- for 15 monolingual Spanish-speaking parents at a Fiesta Familiar support group.
- Presentation - “Preparando por el IPP” - for 25 members of the Epilepsy Alliance of Orange County Spanish Support Group.
- Presentation – “Preparing for Your IPP” – for attendees of Area Board 9 webinar.

5. Local Concerns/Issues to bring to the Council's attention

- ❖ An increase in local sales tax revenues may prevent a scheduled increase in OCTA bus and ACCESS fares.
- ❖ ABXI CRA and VAS staff have been working with Area Board 3, Area Board 10, & headquarter staff to ensure continuous coverage of CRA responsibilities at Lanterman during a temporary staffing shortage.
- ❖ ABXI BSG staff is providing facilitation for the Employer Recruitment subcommittee of the Council's Employment First Committee.

SCDD Council Member Report

Name: Area Board 12 Reporting Date: **02 NOV 2010**

Please provide a paragraph about the following topics as they relate to the people you represent; if there has been no activity for the past two months, leave the space blank. The following topics are suggested. Please report on activities as they relate to the State Plan and SCDD contract activities.

1. Highlights (activities that have had a positive affect on your community or individual): Area Board 12 has conducted outreach training to parents of children with developmental disabilities on the 4731 complaint process and fair hearing process; has re-established the Professional Advisory Committee of service professionals to provide a forum to foster system improvements; has supported the development of additional self-advocacy chapters in both Riverside and San Bernardino counties, and; has initiated the ongoing development of an Employment First – Riverside Innovatively Seeking Employment task force to increase the number of actively employed folks with developmental disabilities.
2. Advocacy (activities that advocate for Systems Change or an individual): Area Board 12 continues to work with Disability Rights California in addressing systemic problems with one regional center focused around the IPP and Fair Hearings processes. We continue to provide one-to-one advocacy for both parents and consumers on fair hearing issues with publicly funded agencies and advocacy with the IEP process with school districts.
3. Legislative and Public Policy Advocacy (activities that provide public officials, public entities, and local constituencies information about legislation and public policy): Area Board 12 is a contributing member of the San Bernardino Children's policy committee which focuses on all publicly funded agencies service people with developmental disabilities. In the re-establishment of the Professional Advisory Committee of Area Board 12, a

legislative subcommittee was also established to foster the continued relationship-building with a variety of public officials.

4. Outreach/Community Event Participation (involvement in activities/events to outreach to the community): Area Board 12 has actively participated in the Inland Empire Disability Collaborative and the Disability Expo at Riverside Convention Center. We have taken the lead in developing a Riverside County Employment First Workgroup to serve as a coordinating hub between Employers, Employees (Consumer) and Parents along with generic agencies and professional providers. Area Board 12 participated in the Disability Mentoring Day having someone with a disability “shadow” a staff member to learn job-related skills.
5. Local Issues/Concerns to bring to the Council’s attention: None at this time.

*SCDD Council Member Report
Area Board XII
September/October 2010*

Please provide a paragraph about the following topics as they relate to the people you represent; if there has been no activity for the past two months, leave the space blank. The following topics are suggested. Please report on activities as they relate to the State Plan and SCDD contract activities.

1. Highlights (activities that have had a positive affect on your community or individual):
 - Provided facilitation to the SDPF conference planning committee as they begin their planning for their 2011 conference.
 - Provided facilitation for SDPF as they prepared for and conducted their monthly business and workgroup meeting.
 - Participate as co-chairperson for the Violence Prevention Task Force.
 - Participate on the SDRC-CAC currently the members are continuing to learn strategies on how to be effective board members.
 - Collaborated with Disability Rights CA in a leadership training focused on running your own IPP held in September, 25 people were in attendance.
 - Continued collaboration with Disability Rights CA in planning a community advocate training to be held in January.
 - Began conference planning in Imperial Valley with ARC, EFRC and members of IVPF.
 - Attended the final advisory meeting for the CEL. Due a lack of continued funding the activities of the CEL are on hold as of September 30th.
 - Two members from the CEL are interested in and committed to continue to work with Area Board XIII on supporting a self advocacy group at Patrick Henry High School.
 - Began coordination of a Disaster Preparedness training to be held in North County San Diego on November 2, 2010.
 - Conducted a voter education leadership training for 19 people.

- Conducted a Voter Education training for the TRACE governance committee. 30 people were in attendance.
- Participate in planning meetings for the 2011 IEP Day conference
- Provided disability awareness/sensitivity training to four (4) 2nd year pediatric medical residents and one (1) child development intern.
- Supported the formation of a new parent group designed to share information and resources in the north county, and a separate Spanish speaking group also. First meeting had 6 people in attendance, second 12, so it appears to be needed.
- Attended a back to school fair in the Poway School District, that had approximately 25 parents in attendance

2. Advocacy (activities that advocate for Systems Change or an individual):

- Participated in 3 planning meetings regarding services and supports for an individual desiring a change in their living situation.
- Technical assistance regarding IHSS and SSI was provided to 3 individuals
- Provided technical assistance to a parent regarding IHSS and respite.
- Provided technical assistance to parents at 6 separate IEP meetings, as well as assistance provided to 3 additional parents to prepare for IEP meetings.
- Provided technical assistance/support to 3 consumers in meetings related to SDRC services, residential living and adult program issues.
- Trained two new board members
- Met with a local day program regarding various reports ranging from neglect, abuse, and failure to report. These reports were made by an “anonymous” source, and appeared to be a former employee who had an ax to grind. The agency is taking steps however to improve their transparency; re-train staff regarding reporting requirements, etc.
- Attended an emergency school meeting regarding a student who had been restrained and injured, policies and procedures

- were not followed, and we will continue to work with family until a satisfactory resolution is achieved.
- Met with SDRC regarding new POS Guidelines
 - Continue to participate on the Strategic Planning Committee of the SDRC and advocate for system change within their system
 - Provided assistance to two consumers regarding their supported living services, one equipment issue, one with SDRC services, one dental service, two eligibility cases, one respite case

 - **Legislative and Public Policy Advocacy (activities that provide public officials, public entities, and local constituencies information about legislation and public policy):**

3. Outreach/Community Event Participation (involvement in activities/events to outreach to the community):

- Represent Area Board XIII as a stakeholder for the Take Me Home project and hosted two registration events for the project.
- Participate on the Fiesta Educativa planning committee and coordinate the resource fair. The event will take place November 6th.
- Attended a San Diego Community Health Needs Assessment Regional Community forum.
- Participated in the Therapeutic Behavioral Supports Community Roundtable.
- Participated in the South County CAC resource fair.
- Participated in the Health and Wellness resource fair at the ARC East County Training Center.
- Participated in the Resource Fair at the Buddy Walk sponsored by DSA, with 800 people in attendance.
- Participated in "Jobtoberfest", a collaborative effort sponsored by the Committee on the Employment of People with Disabilities, which includes Dept of Rehab, UCP, SDRC, etc.

- which reached approximately 1000 people, and had over 30 employers in attendance
- Visited the transition program at SDUSD and PUSD to gather their input on transition services, and see the programs first hand

4. Local Issues/Concerns to bring to the Council's attention:

Special education service issues continue to be a problem, and people in minority groups seem to get fewer services and experience discrimination by school administrators.

Family members have been contacting the Area Board office more frequently of late regarding the treatment they are receiving from staff at the San Diego Regional Center. One family reported the service coordinator said there was nothing they could do for them; they had money, unlike the majority of this coordinators other consumers. Another family was told flat out they didn't qualify for services because of their income (this was not based on any reported information, just the SC's observations), respite services are being reduced over the telephone based on the new assessment sheet that was developed, with no consideration to individual need being taken into account, families with IHSS are told that "Protective Supervision" hours are to be used for respite, whether they align with goals and objectives in the IPP or not.

Our Regional Center sent information to DDS on an encrypted tape with personal information, SSN's, medical diagnosis, etc. that was lost. A letter was sent to consumers and families a month after this occurred, but no date as to when this happened was stated in the letter. Several families that called the SDRC to inquire about this information report that they were treated very rudely, and in some cases, could not get the requested information until several calls were made. For families with minor children, the parent's information was compromised as well, and they need to send in copies of birth certificates, SSN's, CA ID of driver license information and proof of address – i.e., gas and electric bills, etc. to EACH of the three credit agencies, not just one to be shared, as the

credit agencies will not do that in these situations. This was not mentioned in the letter that went to families, and to date, some families have not yet been informed as to this breach.

Additionally, the fact that even in the trailer bill language there was mention of “exceptions” to the respite hours, etc., that seems to elude service coordinators locally. These cases have recently been brought to my attention, and I felt I must share them with the council.

- Mother lost her leg to cancer, and is currently unable to be the primary caretaker, so “grandma” has been more involved. Behavior services were discontinued because mom was not involved enough.
- Father is in hospital dying – terminal. Behavior services were discontinued because mom was spending too much time in the hospital with her husband.
- A meeting was held in the bedroom of the mother this morning because the rheumatoid arthritis mom suffers from is so bad right now because she had to go off her medication due to a pregnancy. Respite was initially denied to help her with her 9 year old son because she “should” have IHSS.
- One mother was told that her respite providers were contacted by the regional center to find out what they were doing – exactly – when in the home (she worried that she might lose these providers because they felt they were under suspicion)
- A behavior program that has done therapy in the family pool for the past 13 years was told to stop getting in the pool with the child, after this was requested by the surgeon who had just done spinal fusion surgery on this child. Parents have a million dollar liability policy, as does the vendor, so it was never fully explained to the family why this service was being denied.

No matter how tough times are financially, there is no excuse to treat families with such disregard. When the trailer bill language first came out, each service coordinator called families that had an excess of respite hours, and were asked to voluntarily reduce them. From the information we were provided, the vast majority of families readily complied with

these requests. The community understands that times are tough, and sacrifices will probably have to be made. There are however, individuals who truly are in need of “exceptions”, and these needs have to be considered. It would seem that the “I” in “IPP” is quickly disappearing. Many staff at the regional center report being afraid to advocate for their consumers. This causes families to feel even more disenfranchised than they already do. It does not seem wise to be alienating the people that are the reason for the regional centers existence.